



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE ROAD, SUITE 1001
ARLINGTON, VA 22204-2490

ES
Docket No: 5171-14
3 August 2015

Dear :

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

Although your application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider your application on its merits. A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 24 June 2015. The names and votes of the members of the panel will be furnished upon request. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record, and applicable statutes, regulations, and policies.

After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You reenlisted in the Marine Corps on 10 July 1970, after more than two years of prior satisfactory service, and continued to serve without disciplinary infraction. On 9 July 1976, at the expiration of your enlistment, you were discharged under honorable conditions after serving for eight years and 28 days.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your desire to change your discharge date and the letter from the Jerusalem Consulate General of the United States of America provided in support of your desire. Nevertheless, the Board

concluded that your request to change your discharge date to reflect 19 July 1976, because although you were technically released from active duty on 9 July 1976, you did not depart Jerusalem with official orders until 19 July 1976, is without merit. In this regard, the Board concluded that the record correctly reflects your discharge date as calculated in accordance with regulatory guidelines. Accordingly, your application has been denied.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence within one year from the date of the Board's decision. New evidence is evidence not previously considered by the Board prior to making its decision in your case. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert J. O'Neill", written in a cursive style.

ROBERT J. O'NEILL
Executive Director