



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

ES
Docket No: 5268-14
2 June 2015

[REDACTED]

Dear [REDACTED]

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 13 May 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 enlisted in the Marine Corps and began a period of active duty on 7 October 1977. You served for about nine months without disciplinary incident, but during the period from 27 July 1978 to 29 October 1981, you received three nonjudicial punishments (NJP), and were convicted by summary court-martial (SCM) and special court-martial (SPCM). Your offenses were wrongful possession of marijuana, wrongful appropriation of an 8-track tape player, disrespect, failure to obey a lawful order, failure to obey a general order, resisting arrest, assault, drunk and disorder, drunk on duty, and failure to go to appointed place of duty.

Subsequently, you were notified of pending administrative separation by reason of misconduct due to frequent involvement of a discreditable nature with military authorities. Although, the documentation is not in your record, it appears you waived your procedural rights. Your commanding officer recommended discharge under other than honorable conditions by reason of misconduct due to frequent involvement of a discreditable nature with military authorities. The discharge authority approved this recommendation and directed separation, and on 18 December 1981, you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors such as your desire to upgrade your discharge. Nevertheless, based on the information currently contained in your record, the Board concluded these factors were not sufficient to warrant an upgrade of your discharge given the seriousness of your repetitive misconduct which resulted in three NJPs, SCM, and SPCM. 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 'R. J. O'Neill', written in a cursive style.

ROBERT J. O'NEILL
Executive Director