



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

TJR
Docket No: 6139-14
5 February 2015

[REDACTED]

Dear [REDACTED]

This is in reference to your latest reconsideration request dated 17 April 2014. You previously petitioned the Board and were advised in our letter that your application had been denied.

Your current request has been carefully examined by a three-member panel of the Board for Correction of Naval Records, sitting in executive session on 4 February 2015. The names and votes of the members of the panel will be furnished upon request. Documentary material considered by the Board consisted of your application and any material submitted in support of your application.

After careful and conscientious consideration of the entire record, the Board determined that your assertions of being coerced into enlisting in the Navy even though you had failed the entry examination and were mentally retarded, even though not previously considered by the Board, were insufficient to establish the existence of material error or injustice. The Board determined that your allegations were not enough to outweigh the significant misconduct you committed while serving on active duty. Accordingly, your application has been denied.

It is regrettable 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 record, the burden is on the applicant to demonstrate the existence of material error or injustice.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert J. O'Neill", is written over the typed name.

ROBERT J. O'NEILL
Executive Director



2

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

HD
Docket No. NR7765-14
3 February 2015

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

Subj: [REDACTED] USMC, XXX-XX [REDACTED]
REVIEW OF NAVAL RECORD

Ref: (a) 10 U.S.C. 1552

Encl: (1) DD Form 149 dtd 6 Jun 14 w/attachments
(2) HQMC MIQ memo dtd 15 Jan 15

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with this Board requesting, in effect, that the applicable naval record be corrected by removing the service record page 11 ("Administrative Remarks (1070)") entry dated 31 July 2013. A copy of the contested entry is at Tab A.

2. The Board, consisting of Mses. Countryman and McCain and Mr. Relyea, reviewed Petitioner's allegations of error and injustice on 29 January 2015, and pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. In correspondence at enclosure (2), the Headquarters Marine Corps office with cognizance over the subject matter of Petitioner's case has commented to the effect that the request has merit and warrants favorable action.

CONCLUSION:

Upon review and consideration of all the evidence of record, and especially in light of enclosure (2), the Board finds the existence of an error warranting the following corrective action:

RECOMMENDATION:

a. That Petitioner's naval record be corrected by removing the service record page 11 ("Administrative Remarks (1070)") entry dated 31 July 2013. This is to be accomplished by physically removing the page 11 on which the entry appears, or completely obliterating the entry so it cannot be read, rather than merely lining through it.

b. That any material or entries inconsistent with or relating to the Board's recommendation be corrected, removed or completely expunged from Petitioner's record and that no such entries or material be added to the record in the future.

4. Pursuant to Section 6(c) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(c)) it is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.



JONATHAN S. RUSKIN
Recorder

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action taken under the authority of reference (a) has been approved by the Board on behalf of the Secretary of the Navy.



ROBERT J. O'NEILL
Executive Director