



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

JDR
Docket No: 7094-14
5 August 2015

5 U.S.C 552(b) (6)

Dear 5 U.S.C 552(b) (6)

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 23 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 enlisted in the Marine Corps, began a period of active duty on 22 July 1977, and served without disciplinary incident for about one year and nine months. However, during the period from 5 May 1979 to 1 July 1980, you received six nonjudicial punishments (NJP) for unauthorized absence, being absent from your appointed place of duty, violation of a lawful order, and sleeping while on security watch. During the period from 13 July 1979 to 26 August 1980, you also received seven formal counselings for unsatisfactory health habits, frequent involvement with military and civilian authorities, repeated

involvement in actions of a discreditable nature, and for your permanent decertification for assignment to a reliability billet. Subsequently, you were notified of pending administrative separation action by reason of misconduct due to frequent involvement. At that time you elected to waive your procedural rights. Your case was forwarded, recommending discharge under other than honorable (OTH) conditions by reason of misconduct due to frequent involvement. The separation authority approved the recommendation and directed an OTH discharge. On 23 January 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 record of service and desire to upgrade your discharge. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge given the seriousness of your misconduct which resulted in repeated counselings and six NJPs for multiple violations of the Uniform Code of Military Justice. 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,

5 U.S.C 552(b) (6)

ROBERT J. O'NEILL
Executive Director