



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

TJR
Docket No: 7556-14/
1539-13
12 December 2014

[REDACTED]

Dear [REDACTED]

This is in reference to your reconsideration request dated 4 June 2014. You previously petitioned the Board and were advised in our letter of 5 June 2013, 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 9 December 2014. 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. In addition, the Board considered the advisory opinion furnished by Headquarters Marine Corps, Military Personnel Law Branch dated 28 August 2014, a copy of which is attached.

After careful and conscientious consideration of the entire record, the Board determined that the audio recording and your assertion of being improperly and illegally "rushed" to accept nonjudicial punishment, even though not previously considered by the Board, were insufficient to establish the existence of material error or injustice. The Board determined that this audio recording was not enough to outweigh the significant misconduct you committed while serving on active duty. Further, the Board substantially concurred with the comments contained in the advisory opinion. 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 "R. J. O'Neill", written in a cursive style.

ROBERT J. O'NEILL
Executive Director

Enclosure