Herbert Clark, III v. Patrick Murphy Doc. 406298708

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 16-1868

HERBERT CLARK, III,

Plaintiff - Appellant,

v.

PATRICK J. MURPHY, Acting Secretary of the Army,

Defendant - Appellee.

Appeal from the United States District Court for the Eastern District of North Carolina, at Raleigh. Louise W. Flanagan, District Judge. (5:14-cv-00565-FL)

Submitted: November 22, 2016 Decided: November 29, 2016

Before DIAZ and THACKER, Circuit Judges, and DAVIS, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Herbert Clark, III, Appellant Pro Se. Kimberly Ann Moore, OFFICE OF THE UNITED STATES ATTORNEY, Raleigh, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

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PER CURIAM:

Herbert Clark, III, appeals the district court's order accepting the recommendation of the magistrate judge, granting summary judgment to Defendant, and upholding the final decision of the Army Board for Corrections of Military Records ("Board"), which denied Clark's request to make corrections to his military records. Under the Administrative Procedures Act this court's review of a Board's decision is "quite limited" and we may only set aside the Board's decision if it is arbitrary, capricious, or not based on substantial evidence. Randall v. United States, 95 F.3d 339, 348 (4th Cir. 1996); see Chappell v. Wallace, 462 U.S. 296, 303 (1983). We have reviewed the record and find no reversible error. Accordingly, we affirm for the reasons stated by the district court. Clark v. Murphy, No. 5:14-cv-00565-FL (E.D.N.C. June 2, 2016). We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

AFFIRMED