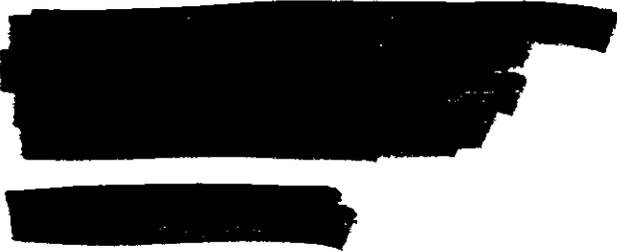




DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
701 S. COURTHOUSE ROAD, SUITE 1001  
ARLINGTON, VA 22204-2490

BC  
Docket No: 07667-13  
2 September 2014



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.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 27 August 2014. 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 reenlisted in the Navy on 19 August 1994, after more than three years of prior honorable service. On 19 October 1994, you were convicted by a summary court-martial (SCM) of assault and sentenced to reduction in pay grade and confinement for five days. Thereafter, you were advised that your commanding officer was recommending you for administrative separation with a discharge under other than honorable conditions (UOTHC) due to misconduct. You waived all of your procedural rights, including your right to an administrative discharge board (ADB). On 24 October 1994, your commanding officer forwarded his recommendation that you be discharged with a UOTHC characterization of service by reason of misconduct. On 8 November 1994, the discharge authority agreed and directed a

discharge UOTHC. On 2 December 1994, you were so discharged and assigned an RE-4 (ineligible for reenlistment) reentry code.

The Board, in its review of your application, carefully weighed all potentially mitigating factors present in your case, such as your prior honorable service. Nevertheless, the Board found those factors insufficient to warrant changing the characterization of your discharge, given your record of misconduct. The Board also noted that you waived the right to an ADB, your best opportunity for retention or a better characterization of service. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

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 or other matter not previously considered by the Board. 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 "Robert J. O'Neill", written in a cursive style.

ROBERT J. O'NEILL  
Executive Director