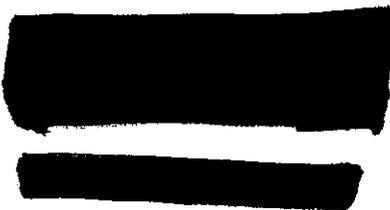




DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
701 S. COURTHOUSE ROAD, SUITE 1001

TAL  
Docket No: 8155-13  
12 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 4 September 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 enlisted in the Navy and began a period of active duty on 29 August 1989, at age 20. On 7 April 1990, you received nonjudicial punishment (NJP) for failure to go to your appointed place of duty. On 18 December 1991, you were convicted in civil court in the state of Washington of second degree armed robbery and sentenced to confinement, community service, a fine and court costs. You were notified of pending administrative discharge processing with an other than honorable (OTH) discharge due to misconduct (civil conviction). After consulting with legal counsel, you elected to present your case to an administrative discharge board (ADB). On 5 May 1992, the ADB found that you committed misconduct and recommended that you

be separated with an OTH discharge. The separation authority agreed with the recommendation of the ADB and directed your commanding officer to issue you an OTH discharge by reason of misconduct and on 15 September 1992, you were so discharged.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your overall record of service. Nevertheless, the Board found that these factors were not sufficient to warrant recharacterization of your discharge given the seriousness of your misconduct that resulted in an NJP and a civil conviction. Finally, there is no provision of law or in Navy regulations that allows for recharacterization of service due solely to the passage of time. 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,



ROBERT J. O'NEILL  
Executive Director