



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

TAL

Docket No: 8159-13  
12 September 2014

[REDACTED]

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 22 October 1986 at age 18. You received nonjudicial punishment (NJP) on three occasions for three instances of failure to go to your appointed place of duty, and two instances of unauthorized absence (UA) from your unit. On 8 November 1988, you were convicted in civil court in California of unauthorized entry into a dwelling and battery. You were sentenced to confinement and a fine. On 5 December 1988, you were notified of pending administrative discharge processing with an other than honorable (OTH) discharge due to civil conviction. You waived all your procedural rights, including your right to an administrative discharge board. On 4 May 1989, you were convicted by special court-martial (SPCM) of UA from your unit, five instances of

insubordinate conduct toward a noncommissioned officer, assault and larceny of \$525. The sentence imposed was a forfeiture of pay, confinement and a bad conduct discharge (BCD). On 5 March 1990, you received the BCD after appellate review was complete.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth and prior 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 three NJPs, a civil conviction and an SPCM. 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