



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

BC
Docket No: 08736-13
25 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 24 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.

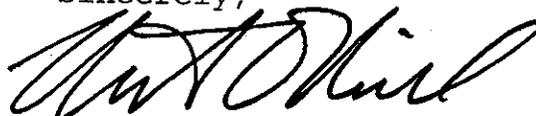
You enlisted in the Navy on 5 November 1985. On 16 July 1987, you received nonjudicial punishment (NJP) for failure to obey a lawful order. On 29 November 1989, you received NJP for being in an unauthorized absence (UA) status on six occasions totaling over 26 days, missing your ship's movement, disobeying a lawful order and being disrespectful in language. 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). Your commanding officer forwarded his recommendation that you be discharged with a UOTHC characterization of service by reason of misconduct (serious offense). On 6 August 1990, the discharge authority agreed with the recommendation and directed a discharge UOTHC. On 13 August

1990, you were discharged UOTHC and assigned an RE-4 (ineligible for reenlistment) reentry code.

The Board, in its review of your application, considered all potentially mitigating factors present in your case. Nevertheless, the Board found those factors insufficient to warrant changing the characterization of your discharge, given your very extensive record of misconduct. In addition, the Board 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 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 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