



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

TAL
Docket No: 8945-13
2 October 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 and began a period of active duty on 5 July 1977 at age 24. You received nonjudicial punishment (NJP) on four occasions from 8 March through 28 September 1978 for two instances of misbehavior as a lookout, being derelict in the performance of your duties, two instances of failure to go to your appointed place of duty, and unauthorized absence (UA) from your unit for a period of three days. On 18 December 1978, you were convicted by summary court-martial (SCM) of communicating a threat, two instances of insubordinate conduct toward a noncommissioned officer, disrespect toward a commissioned officer, and willful disobedience of a commissioned officer. On 1 March 1979, you received NJP for wrongful possession and use of marijuana, failure to obey a lawful regulation and using an unauthorized armed forces identification card. On 27 March 1979, you were notified of pending

administrative discharge processing with an other than honorable (OTH) discharge due to misconduct (frequent involvement). You waived all of your procedural rights, including your right to an administrative discharge aboard (ADB). On 17 April 1979, you received the OTH discharge for misconduct (frequent involvement).

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth and 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 five NJPs and an SCM. The Board noted that you waived the right to an ADB, your best chance 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