



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

TAL

Docket No: 3410-14
4 December 2014

5 U.S.C. 552(b) (6)

Dear **5 U.S.C.**

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.

Although your application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider your application on its merits. A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 19 November 2014. The names and votes of the members of the panel will be furnished upon request. 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 24 October 1980 after three years of prior satisfactory service. You continued to serve for one year and nine months without disciplinary incident, but during the period of 22 September 1982 to 21 April 1983, you received nonjudicial punishment (NJP) on three occasions. Your offenses were failure to go to your appointed place of duty and unauthorized absence.

Based on the information currently contained in your record it appears that you were subsequently processed for separation by reason of misconduct (pattern of misconduct). In connection with this processing, you would have acknowledged the separation action and the discharge authority would have approved a recommendation for separation. The record clearly shows that on 27 May 1983, you were discharged with an other than honorable separation by reason of misconduct (pattern of misconduct).

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your desire to upgrade your discharge and assertion of being diagnosed with post-traumatic stress disorder (PTSD). Nevertheless, the Board found that these factors were not sufficient to warrant recharacterization of your discharge given the seriousness of your misconduct. Regarding your assertion of suffering from PTSD, the Board noted that you did not provide a diagnosis and that the severity of your misconduct outweighed the mitigation of your possible diagnosis. Accordingly, your application has been denied.

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,

5 U.S.C. 552(b) (6)

ROBERT J. O'NEILL
Executive Director