



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

MTN
Docket No: 8556-14
7 August 2015

Dear :

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 4 August 2015. 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 enlisted in the Navy and began a period of active duty on 2 July 1987. During the period from 24 November 1988 to 28 August 1989, you were convicted by two special courts-martial of four specifications of failure to go to your appointed place of duty, five periods of unauthorized absence totaling 123 days, missing ship's movement, and wrongful use of marijuana. Subsequently, your commanding officer initiated administrative discharge action by reason of misconduct due to commission of a serious offense. You waived your rights to consult with legal

counsel and an administrative discharge board. On 20 October 1989, the commanding officer recommended discharge under other than honorable conditions by reason of misconduct due to commission of a serious offense. The separation authority approved your discharge and you were so discharged under other than honorable conditions on 3 November 1989.

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 your assertion that family problems that affected your conduct. Nevertheless, the Board concluded these factors were not sufficient to warrant relief in your case. Concerning your assertion of family problems, there is no indication in the record that such problems, if they existed at the time of your service, were so serious as to excuse you of responsibility for your actions, or were sufficiently mitigating to warrant recharacterization. The Board concluded that the severity of your misconduct outweighed your desire to upgrade your discharge. 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