



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

DJC
Docket No. NR11617-14
28 Apr 15

[REDACTED]

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of 10 USC 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 27 April 2015. 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 that the evidence submitted was insufficient to establish the existence of probable material error or injustice. You petitioned the Board for Correction of Naval Records seeking the reinstatement of advancement to E-4, and the credit of 32 days leave. A review of our files revealed the following: On 19 May 1977, you received an NJP for violation of article 92, and you were awarded reduction in rank which was suspended for 90 days. On 1 July 1977, the suspension of your reduction in rank was vacated due to you being derelict in the performance of your duties, and you were reduced from IC3 (E-4) to ICFN (E-3). You were reinstated to E-4 effective 16 Oct 77. On 7 July 1978, you received an NJP for violation of article 89 and 90, and you were awarded reduction in rank which was suspended for 6 months. On 20 July 1978, the suspension of your reduction in rank was vacated due to you being derelict in the performance of your duties, and you were reduced from IC3 (E-4) to ICFN (E-3). On 9 February 1979, you received an NJP for violation of article 86 and 87, and you were awarded reduction in rank from ICFN (E-3) to ICFA (E-2). On 23 February 1979, you received an NJP for violation of article 128, and you were awarded reduction in rank from ICFA (E-2) to ICFR (E-1). On 14 March 1979, you were discharged with an Honorable Discharge by reason of unsuitability. Furthermore, your DD Form 214N (Report of Separation from active duty) listed 30.5 days accrued leave paid.

The Board's review shows that you did not provide any information and/or evidence that would support the Board granting some level of relief. 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 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 this 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,

A handwritten signature in dark ink, appearing to read "R. J. O'Neill", written in a cursive style.

ROBERT J. O'NEILL
Executive Director