



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

EGA:231
Docket No: 11768-14
14 April 2015

Dear [redacted]:

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, 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 14 April 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, began a period of active duty on 14 March 1989, and served nearly a year without disciplinary incident. However, during the period from 30 January 1990 to 17 April 1991, you received nonjudicial punishment (NJP) on three occasions for being incapacitated, disobedience, failure to go to your appointed place of duty, being drunk on duty, and assault. Subsequently, you were administratively processed for separation by reason of misconduct due to commission of a serious offense. After waiving your procedural rights, your commanding officer recommended separation under other than honorable conditions by reason of misconduct due to commission of a serious offense. The discharge authority approved this recommendation and on 21 May 2015, you were so discharged and assigned an RE-4 reenlistment code.

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 change your narrative reason for separation and reenlistment code. It also considered your assertion that your misconduct was the direct result of a personal injury which formed into Post-Traumatic Stress Disorder (PTSD). Nevertheless, the Board concluded these factors were not sufficient to warrant relief in your case because of the seriousness of your misconduct which resulted in three NJPs. The Board concluded that the severity of the misconduct would substantially outweigh any mitigation created by your allegations of PTSD. 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 or other matter not previously considered by the Board within one year from the date of the Board's decision. 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