



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

TAL  
Docket No: 1844-14  
2 April 2015

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your husband's 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 18 March 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 husband's 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.

Your husband enlisted in the Navy and began a period of active duty on 31 January 1978. He served for six months without disciplinary incident, but during the period from 18 July 1978 to 15 January 1982, he received nonjudicial punishment (NJP) on 10 occasions. His offenses were failure to obey a lawful order, using disrespectful language toward a noncommissioned officer, failure to go to his appointed place of duty, using provoking words and gestures and unauthorized absence (UA) from his unit.

Subsequently, he was notified of pending administrative separation by reason of misconduct due to frequent involvement, at which time he waived his procedural rights to consult with legal counsel and to present his case to an administrative discharge board (ADB). His commanding officer recommended discharge under other than honorable conditions by reason of

misconduct due to frequent involvement. The discharge authority approved this recommendation and directed separation under other than honorable conditions by reason of misconduct, on 23 February 1982, he was so discharged.

The Board, in its review of your husband's entire record and application carefully weighed all potentially mitigating factors, such as your desire to upgrade your husband's discharge. Nevertheless, the Board concluded these factors were not sufficient to warrant relief in your husband's case because of the seriousness of his repeated misconduct. Further, the Board noted that your husband waived the right to an ADB, his best chance for retention or a better characterization of service. Accordingly, your application has been denied.

It is regretted that the circumstances of your husband's 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