



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

SJN  
Docket No: 02637-14  
6 April 2015

[REDACTED]

Dear [REDACTED]

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 25 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 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 3 January 1984. On 12 September 1984, you received nonjudicial punishments (NJP) for 28 days of unauthorized absence being absent from your appointed place of duty and missing ship's movement. Subsequently, administrative discharge action was initiated by reason of misconduct due to commission of a serious offense. After being afforded all of your procedural rights, you signed a conditional waiver of an administrative discharge board (ADB), provided that you were recommended for a general discharge. Your case was forwarded to the separation recommending that you be discharged under honorable conditions. The separation authority concurred and directed a general discharge by reason of misconduct. You were so discharged on 7 December 1984.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your record of service, and desire to change the reason for your discharge and characterization of service. Nevertheless, based on the information currently contained in your record, the Board concluded these factors were not sufficient to warrant changing the reason for your discharge or recharacterization of your service given your NJP for very serious offenses. The Board noted that you waived the right to an ADB, your best chance for retention or a better characterization of service. Finally, the Board also noted that you were fortunate to receive a general discharge since a discharge under other than honorable conditions is often directed when a Sailor is discharged for misconduct. 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,



ROBERT J. O'NEILL  
Executive Director