



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

SJN
Docket No: 2779-14
10 December 2014

[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 18 November 2014. 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 18 March 1985. During the period from 30 October 1985 to 11 September 1987, you received two nonjudicial punishments (NJPs) for drunk and disorderly conduct, disrespectful language, disobedience, and communicating a threat. Additionally, on four occasions, you were counseled regarding your conduct, and warned that further misconduct could result in administrative discharge action. Subsequently, administrative discharge action was initiated by reason of misconduct due to commission of a serious offense. You waived your rights to consult counsel, submit a statement or have your case heard by an administrative discharge board (ADB). Your case was forwarded to the separation authority recommending that you be discharged under other than honorable (OTH) conditions by reason of misconduct. The separation

authority concurred and directed an OTH discharge by reason of misconduct. You were so discharged on 22 October 1987. The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your record of service, post service accomplishments, letters of recommendation, desire to upgrade your discharge, and belief that your characterization of service would automatically change six months after your discharge. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge given your two NJPs. The Board noted that you waived the right to an ADB, your best chance for retention or a better characterization of service. Finally, you are advised that there is no provision of law or in Navy regulations that allows for recharacterization of a discharge automatically after six months or due solely to the passage of time. 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. 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