



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

SJN
Docket No: 3855-14
6 May 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.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 5 May 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 April 1986. On 14 April and 13 May 1986, you were counseled regarding your repeated academic failures, and warned that further deficiencies in your academics could result in administrative discharge action. On 14 May 1986, you received a third counseling warning regarding your test failures, and were set back in your training. Subsequently, administrative discharge action was initiated, and after being afforded all of your procedural rights, you were discharged with an entry level separation by reason of performance and conduct on 12 June 1986.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your short period of service, and desire to upgrade your discharge. Nevertheless, the Board concluded these factors were not sufficient to warrant a change to your characterization of service given your repeated academic failures during recruit training. With regard to your characterization of service, the Board noted that you were notified of your separation process within 180 days of the beginning of your period of active service. Navy regulations authorize an uncharacterized entry level separation if the processing of a Sailor's separation begins within 180 days of his entry on active duty. 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,

A handwritten signature in cursive script, appearing to read "Robert J. O'Neill".

ROBERT J. O'NEILL
Executive Director