



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

TLG
Docket No: 5357-14
26 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.

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 22 May 2015. 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 6 February 1980. During the period from 4 September 1981 to 19 January 1982, you received four nonjudicial punishments (NJP) and were convicted by summary court martial (SCM). Your offenses were a SCM conviction for larceny, unauthorized absence for two unspecified periods, failure to be at appointed place of duty, possession of marijuana, breaking restriction, wearing improper uniform, communicating a threat, two occasions of disobeying a lawful order, failure to obey a lawful order, and assault.

Subsequently, you were notified of pending administrative separation action by reason of misconduct due to frequent involvement with civilian or military authorities. After waiving your procedural rights, your commanding officer recommended discharge under other than honorable conditions by reason of misconduct due to frequent involvement with civilian or military authorities. The discharge authority approved this recommendation and directed separation under other than honorable conditions by reason of misconduct and on 9 April 1992, you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your desire to upgrade your characterization of service to general. Nevertheless, the Board found that these factors were not sufficient to warrant upgrading your characterization of service given the severity of your misconduct as evidenced by four NJPs and a SCM conviction. 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 applying for correction of an official naval record, the burden is on the applicant to demonstrate the existence of the probable material error or injustice.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert J. O'Neill", written in a cursive style.

ROBERT J. O'NEILL
Executive Director