



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

ES
Docket No: 5425-14
4 June 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 27 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 15 July 1981. You served for about nine months without disciplinary incident, but during the period from 29 April 1982 to 22 July 1983, you received four nonjudicial punishments (NJP) for absence from appointed place of duty, failure to obey a lawful order, unauthorized absence and possession of an illegal weapon. You were convicted by summary court-martial (SCM) of an unauthorized absence totaling 56 days and wrongful possession of marijuana and drug paraphernalia.

Subsequently, you were notified of pending administrative separation by reason of misconduct due to pattern of misconduct, at which time you waived your procedural rights. Your commanding officer recommended discharge under other than honorable conditions by reason of misconduct due to pattern of misconduct. On 27 April 1983, the discharge authority approved this recommendation and directed separation.

On 29 April 1983, the commanding officer requested to the discharge authority that your separation be held in abeyance. Although, the documentation for what you were accused of is not in your record, it appears charges were referred against you to a special court-martial (SPCM), and on 22 July 1983 you were convicted and adjudged confinement hard labor, forfeiture of pay and bad conduct discharge (BCD). After the BCD was approved at all levels of review, on 23 August 1984, 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 discharge. Nevertheless, based on the information currently contained in your record, the Board concluded these factors were not sufficient to warrant an upgrade of your discharge given the severity of your misconduct which resulted in four NJPs, SCM and SPCM. 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