



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

JDR
Docket No: 6067-14
10 July 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 16 June 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, began a period of active duty on 24 February 1997, and served without disciplinary incident for about a year and three months. However, during the period from 26 May 1998 to 13 May 1999, you were formally counseled on eight occasions and advised of deficiencies in performance and conduct due to your failure to inform your command that you filed for bankruptcy, financial irresponsibility, failure to provide recall information, unauthorized absence, being absent from your appointed place of duty, disobeying a lawful order, and causing a self-inflicted injury. On 19 August 1999, you received nonjudicial punishment (NJP) for unauthorized absence (UA) totaling 10 days. On 27 August 1999, you were diagnosed with adjustment disorder with mixed disturbance of emotions and conduct.

Subsequently, administrative discharge action was initiated by reason of misconduct due to minor disciplinary infractions and convenience of the government (COG) on the basis of personality disorder. At that time you elected to waive your procedural rights. Your case was forwarded, recommending a general discharge by reason of misconduct due to minor disciplinary infractions and (COG) on the basis of personality disorder. The separation authority approved and directed a general discharge due to misconduct and, on 16 September 1999, you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your record of service, desire to upgrade your discharge, and your assertion that you did nothing to dishonor the military. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge given your misconduct which resulted in eight formal counselings and one NJP. Further, the Board noted that you waived your procedural rights which may have resulted in a better characterization of service. Finally, with regard to your assertion, the Board believed that considerable clemency was extended to you, considering your command did not take punitive action after you violated the Uniform Code of Military Justice on multiple occasions. 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