



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

TJR
Docket No: 6361-14/
2080-94
4 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, 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 2 December 2014. 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. In addition, the Board considered its previous review of your case in November 1994.

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. In this regard, the Board substantially concurred with the comments contained in its decisional document, Docket No. 2080-94 dated 16 November 1994, a copy of which is attached for your information.

Your record reflects that you were commissioned to the rank of Lieutenant (Junior Grade) on 29 November 1974 and that you were subsequently promoted to the rank of Commander on 1 August 1986.

Your record further reflects that during the period from May to December 1990, you were the subject of child sexual and physical abuse allegations which resulted in an investigation. As such, the Chief of Naval Personnel (CNP) directed a Board of Inquiry (BOI). While awaiting the results of the BOI, charges, specifically, child abuse, attempted sexual offenses, and assault, were filed against you in civil court in February 1991. Nonetheless, the BOI recommended separation under other than honorable conditions by reason of misconduct due to commission of a serious offense. On 17 July 1991, you were acquitted by civil

authorities. However, on 27 August 1991, a Board of Review (BOR) found that sufficient evidence existed in your record to separate you with an other than honorable discharge.

On 30 April 1992, the Assistant Secretary of the Navy (Manpower and Reserve Affairs) approved the recommendations of the BOI and BOR and directed separation under other than honorable conditions by reason of misconduct due to commission of a serious offense, and on 13 May 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 discharge, change your narrative reason of separation, and remove derogatory material from your official military personnel file. It also considered your assertion of false testimony by your son and his desire to recant his testimony. Nevertheless, the Board concluded these factors were not sufficient to warrant relief in your case because of the seriousness of your misconduct. Finally, there is no evidence in the record, and you provided none, to support your assertion. 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 or other matter not previously considered by the Board within one year from the date of the Board's decision. 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

Enclosure