



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

BC  
Docket No: 06746-14  
18 November 2014

[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 13 November 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.

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 19 June 1991. On 21 May 1993, you received nonjudicial punishment (NJP) for assault. On 23 September 1993, you received NJP for dereliction of duty. On 5 January 1994, you were convicted by civil authorities of being an accessory after the fact in an armed robbery and sentenced to probation for six months, 50 hours community service and court cost of \$253. You were informed that administrative separation process was initiated and you elected to have your case heard by the administrative discharge board (ADB). On 9 March 1994, an ADB recommended that you be administratively separated with an other than honorable (OTH) characterization of service. Your commanding officer agreed with the ADB and also recommended that you be discharged with an OTH by reason of misconduct due to commission of a

serious offense. On 14 April 1994, you were so discharged and assigned an RE-4 (ineligible for reenlistment) reenlistment code.

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 and contention that you now have a clean police record. Nevertheless, the Board concluded these factors were not sufficient to warrant relief in your case because of the seriousness of your misconduct. 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 black ink, appearing to read "Robert J. O'Neill", written in a cursive style.

ROBERT J. O'NEILL  
Executive Director