



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

TJR
Docket No: 827-14
13 February 2015

[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 3 February 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 23 February 1989. You served for about four months without disciplinary incident. However, during the period from 19 June to 11 December 1989, you were convicted by summary court-martial (SCM) on three occasions and received nonjudicial punishment (NJP) on three occasions. Your offenses were failure to go to your appointed place of duty, breaking restriction, wrongful possession of a knife, wrongful use of marijuana, four periods of absence from your appointed place of duty, two specifications of failure to obey a lawful order, and two periods of authorized absence (UA) totalling 12 days.

On 16 February 1990, you were convicted by special court-martial (SPCM) of resisting arrest, assaulting a police officer, and wrongful distribution of marijuana. You were sentenced to confinement for six months, a \$2,880 forfeiture of pay, and a bad conduct discharge (BCD). Subsequently, the BCD was approved at all levels of review, and on 2 July 1990, 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 and assertion that the drugs you had in your possession did not belong to you. Nevertheless, the Board concluded these factors were not sufficient to warrant relief in your case because of the seriousness of your repetitive misconduct, which included drug abuse. Finally, there is no evidence in the record, and you submitted 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,

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

ROBERT J. O'NEILL
Executive Director