



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

TJR
Docket No: 844-14
27 January 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 21 January 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 December 1989. You served for about a year and three months without disciplinary infraction, but during the period from March to April 1991, you were the subject of a Naval Investigation Service (NIS) investigation regarding two specifications of sexual misconduct as evidenced by indecent assault.

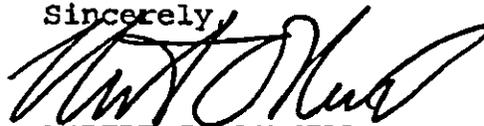
Subsequently, after waiving your procedural rights in June 1991, your commanding officer recommended discharge under other than honorable conditions by reason of misconduct due commission of a serious offense as evidenced by sexual misconduct. On 11 July 1991, while awaiting the outcome of the foregoing recommendation, you were referred for a psychiatric evaluation to determine your suitability for an administrative separation. In this regard, you were diagnosed with an adjustment disorder with mixed

disturbance of emotions and conduct and recommended for an immediate administrative separation. On 22 July 1991, the discharge authority approved the foregoing recommendations and directed separation under other than honorable conditions by reason of misconduct due to commission of a serious offense, and on 9 April 1991, 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 other than honorable discharge, assertion of mental illness, and post service counselling for sexual obsession and depression/anxiety. Nevertheless, the Board concluded these factors were not sufficient to warrant relief in your case because of the seriousness of your misconduct. Further, you were given an opportunity to defend your actions, but waived your procedural rights. 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