



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

TJR
Docket No: 849-14
12 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 24 July 2007. You served without disciplinary infraction until 8 December 2009. In this regard, during the period from 8 December 2009 until 4 March 2010, you received nonjudicial punishment (NJP) on three occasions for five specifications of failure to obey a lawful order.

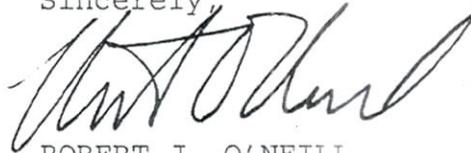
In April 2010, after waiving your procedural rights to consult with legal counsel and present your case to an administrative discharge board, your commanding officer recommended separation under honorable conditions by reason of misconduct due to a pattern of misconduct. On 30 April 2010, the discharge authority approved the foregoing recommendation and directed separation under honorable conditions by reason of misconduct, and on 18 May 2010, 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 you were

set up for failure in regards to your performance of standing watch duties. Nevertheless, the Board concluded these factors were not sufficient to warrant relief in your case because of the serious of your misconduct. Further, you were given an opportunity to defend your actions, but waived your procedural rights. Finally, the Board concluded that your assertion of being set up to fail at standing watch is without merit since there is no evidence in the record, and you provided no such evidence to support this 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 black ink, appearing to read "Robert J. O'Neill", written in a cursive style.

ROBERT J. O'NEILL
Executive Director