



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

TAL
Docket No: 962-14
26 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 of the United States Code, section 1552.

Although your application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider your application on its merits. A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 11 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 7 April 2003. You served for one year without disciplinary incident, but during the period from 25 May 2004 to 25 January 2005, you received nonjudicial punishment (NJP) on three occasions. Your offenses were failure to go to your appointed place of duty, failure to obey a lawful order, and unauthorized absence.

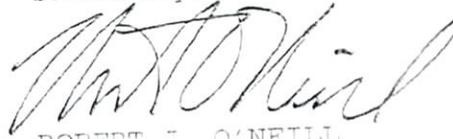
Based on the information currently contained in your record it appears that you were subsequently processed for separation by reason of misconduct (pattern of misconduct). In connection with this processing, you would have acknowledged the separation action and the discharge authority would have approved a

recommendation for separation. The record clearly shows that on 25 February 2005, you were discharged with an other than honorable separation by reason of misconduct (pattern of misconduct).

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 not given the opportunity to seek legal counsel. Nevertheless, the Board found that these factors were not sufficient to warrant recharacterization of your discharge or to change your reentry code, given the seriousness of your misconduct. Regarding your assertion, the Board noted there is no evidence in your 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 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,



ROBERT J. O'NEILL
Executive Director