



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

SJN
Docket No: 9701-14
17 September 2014

[REDACTED]

[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 16 September 2014. 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 25 June 1981. As stated in previous correspondence, repeated requests for your official military records were made in order to affect a proper and thorough review of your application. Based on your Certificate of Release of Discharge from Active Duty (DD Form 214), administrative discharge action was initiated by reason of misconduct due to commission of a serious offense. Your DD Form 214 reflects three periods of time lost totaling 55 days. It appears that after being afforded all of your procedural rights, the separation authority directed that you receive an other than honorable (OTH) discharge due to misconduct. You were so discharged on 30 June 1983. Further, the information you provided with your application, and the unavailability of your official military record, the Board employed a presumption of regularity pertaining to your discharge. This means that, in the absence of evidence to the contrary, your discharge is presumed to be proper as issued.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth, character letters, and post service accomplishments. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge given the time lost and the reason for your discharge. Finally, the Board noted that if you waived the right to request an administrative discharge board during your separation processing, which was your best chance for retention or a better characterization of service. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

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. 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 cursive script, appearing to read "R. J. O'Neill", written in dark ink.

ROBERT J. O'NEILL
Executive Director