



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

EGA
Docket No: 4097-14
15 April 2015

5 U.S.C. 552(B)(6)

Dear 5 U.S.C. 552(B)(6)

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 26 March 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 11 December 1999. You served without disciplinary incident until 4 April 2002, when you were convicted by civil authorities of bank theft. You plead guilty to the charges and your sentence included a \$5,000 fine with five years of probation. On 8 January 2004, you were charged with violations of probation and sentenced to nine months of civilian confinement with 3 additional years of supervision upon release. As a result, you were recommended for an administrative separation by reason of misconduct due to a serious offense. On 17 September 2004, you were discharged with a general characterization of service.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your desire to upgrade your character of service and contention that you were not represented at your discharge hearing. Nevertheless, the Board concluded these factors and contention were not sufficient to warrant relief in your case given your guilty plea, conviction, and subsequent incarceration. Concerning your contentions that you were not represented at your discharge hearing, there is no evidence in the record, and you submitted none to substantiate your claim. 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,

5 U.S.C. 552(B)(6)

ROBERT J. O'NEILL
Executive Director