



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

TAL
Docket No: 11464-14
17 December 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.

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 4 November 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 26 April 1993. You served for a year and one month without disciplinary incident, but during the period from 3 June 1994 to 8 July 1994, you received nonjudicial punishment (NJP) on two occasions. Your offenses were making false official statements, larceny, obtaining services under false pretenses, and failure to obey a lawful regulation.

Subsequently, you were notified of pending administrative separation by reason of misconduct due to commission of a serious offense. After consulting with legal counsel, you elected to present your case to an administrative discharge board (ADB). On 7 August 1994, the ADB found that you committed misconduct and recommended that you be separated with an OTH discharge. Your commanding officer concurred with the ADB and forwarded his recommendation to the separation authority. The separation authority agreed with the recommendation of the ADB and directed your commanding officer to issue you an OTH discharge by reason of misconduct due to commission of a serious offense and on 16 August 1995, 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. Nevertheless, the Board concluded these factors were not sufficient to warrant relief in your case because of the seriousness of your repeated misconduct that resulted in two NJPs. 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,

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

MAR 1 2016

SCOTT F. THOMPSON
Executive Director