



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

[REDACTED]
Docket No: 03140-16

APR 18 2017

[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 considered your application on 13 January 2017. 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.

You began a period of active duty in the Navy on 9 January 1989. You served three months without disciplinary incident. On 27 April 1989, you received nonjudicial punishment (NJP) for failure to go to your appointed place of duty. On 9 May 1989, you received a second NJP for failure to go to your appointed place of duty. On 12 December 1990, you began a period of unauthorized absence that was terminated by surrender on 29 December 1994. On 6 March 1995, at special court martial proceedings, you were found guilty of violating Uniform Code of Military Justice, Article 86 (unauthorized absence), and were awarded 3 months confinement, forfeiture of \$500 pay per month for 3 months, reduction in rank, and a bad conduct discharge (BCD). On 24 April 1995, at summary court martial proceedings, you were found guilty of violating Article 128 (assault), and were awarded confinement for 30 days, forfeiture of \$569 pay per month for 1 month, and reduction in rank to E-1. You were discharged from the Navy on 1 February 1996, with a BCD.

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. The Board considered your personal statement regarding your family background and your mother's diagnosis with cancer at the time of your military service. When making its determination, the Board considered that you state the spirit of your service was in support of American ideals and that you are currently suffering from chronic homelessness. The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your final performance marks of 3.8 and your personal circumstances at the time of your misconduct. The

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Board determined that these factors were not sufficient to warrant an upgrade to your discharge characterization. Accordingly, your application has been denied.

It is regretted that the circumstances of your case are such that favorable action cannot be taken at this time. You are entitled to have the Board reconsider its decision upon the submission of new and material evidence. New evidence is evidence 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,



Executive Director