



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

[REDACTED]  
Docket No: 03217-16

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, sitting in executive session, considered your application on 12 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 18 October 1994. You served one year without disciplinary incident. You received three nonjudicial punishments (NJP) from 13 October 1995 through 23 January 1996 for unauthorized absence x2, failure to obey an order x2, and abandoning your watch. On 26 January 1996, your commanding officer notified you of administrative separation proceedings. You waived your right to consult with counsel and appear before an administrative separation board. On 1 April 1996, you were discharged from the Navy with an other than honorable characterization of service.

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 request for an upgrade to your service characterization, and noted that you believe the discharge was unwarranted because of your personal situation. When making its determination, the Board acknowledged that you were struggling with considerable family challenges at the time of your enlistment, including the diagnosis of both of your parents with terminal cancer. You stated that your father lost his health insurance due to his illness, and that you were the only one of your siblings in a position to help him. Additionally, you got married in part to have children before your father passed, but the marriage struggled. You also stated that at age 19, you were not equipped to handle all that was happening in your life and you were mentally and physically exhausted, which contributed to your falling asleep on watch. The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, and made particular note of the letter from your former commanding officer at

the time of your discharge. Your Commanding Officer recommended an administrative separation with an other than honorable characterization of service at the time of the misconduct, but now states that had the command known of your struggles, it may have handling things differently. Your former commanding officer now recommends upgrading your discharge characterization. Although the Board found your personal struggles compelling, the Board determined that the seriousness of your misconduct warranted the other than honorable characterization. Additionally, the Board noted you were afforded the opportunity to consult with counsel and present the circumstances surrounding your misconduct to an administrative separation board. The Board concluded that your record does not reflect an error or injustice that warrants an upgrade to your service 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