



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

[REDACTED]
Docket No: 3766-16

JUN 16 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 11 April 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 enlisted in the Navy on 15 September 2004. On 18 July 2005, you received nonjudicial punishment (NJP) for assault. On 11 August and 9 September 2005, you were diagnosed with an adjustment disorder with depressed mood. Subsequently, you were administratively processed for separation by reason of a condition not a disability. On 22 September 2005, you received a general discharge and were assigned an RE-3G reentry code.

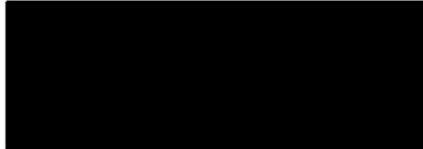
After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice. The Board carefully weighed all potentially mitigating factors, such as character letters, the letter from [REDACTED], the decision letter from Department of Veterans Affairs (DVA), your desire to upgrade your discharge, and assertion that you need DVA compensation. However, the Board concluded these factors were not sufficient to warrant upgrading your discharge given your overall performance marks and misconduct. The Board concluded that these facts clearly supported the commanding officer's decision to issue you a general discharge. The Board noted, based on the evidence of record, your final conduct average was 2.0, which is less than the average of 3.0, required for a fully honorable characterization of service. In the end, the Board

determined that you were properly discharged. Accordingly, your application has been denied.

In regards to receiving DVA compensation, the Board noted whether or not you are eligible for benefits is a matter under the cognizance of the Department of Veterans Affairs (DVA), and you should contact the nearest office of the DVA concerning your right to apply for benefits. If you have been denied benefits, you should appeal that denial under procedures established by the DVA.

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