



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

[REDACTED]  
Docket No: 3836-16

MAY 08 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 21 February 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.

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 20 April 1980. On 10 July 1981, you received nonjudicial punishments (NJP) for disrespect towards a superior petty officer and fraud. On 28 July 1981, you received NJP for disobeying a lawful order and regulation. Subsequently, you were notified of pending administrative separation processing for convenience of the government due to marginal performance and frequent involvement of discreditable nature with military authorities. At the time you were informed that your characterization of service would be warranted by your performance marks. You did not consult with counsel, make a statement on your behalf, or object to the discharge. As a result of the forgoing, you were discharged with a general under honorable characterization of service on 11 March 1982.

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, in its review of your entire record and application, carefully weighed your desire to

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upgrade your discharge and your contentions you were unaware you had received a general under honorable conditions discharge, and that a representative from the Department of Veterans Affairs (DVA) informed you that you were eligible for an upgrade review. The Board found that these factors were not sufficient to warrant relief given your misconduct. Character of service is based, in part, on conduct and overall trait averages which are computed from marks assigned during periodic evaluations. Your conduct average was 2.4, an average of 3.0 in conduct was required at the time of your separation for a fully honorable characterization of service. 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. 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