



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

Docket No: 4013-16

JUN 20 2017

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 18 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 October 1981. During the period from 2 March 1983 to 29 February 1984, you received four nonjudicial punishments (NJP) for the following offenses: two specifications of unauthorized absence (UA) totaling 25 days, two specifications of missing ship's movement and one specification each of disobeying a lawful order, disobeying a lawful regulation and disrespect to a Petty officer. Subsequently, you were notified of pending administrative separation action by reason of misconduct due to a pattern of misconduct and frequent involvement with military authorities. After you waived your procedural rights, your Commanding Officer recommended discharge under other than honorable (OTH) conditions by reason of misconduct due to a pattern of misconduct and frequent involvement with military authorities. The discharge authority approved your Commanding Officer's recommendation and directed separation under other than honorable conditions by reason of misconduct. On 23 March 1984, you were discharged.

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 your desire to upgrade your discharge and contention that you have not been into any major trouble since discharge. The

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Board concluded that these factors were not sufficient to warrant relief given your misconduct. In this regard, the Board concluded that the seriousness of your misconduct, as evidenced by four NJPs, outweighed your desire to upgrade your discharge and supports the Commanding Officer's decision to issue you an OTH discharge. The Board was not persuaded by your contention that you have not been into any major trouble since discharge. The Board noted while commendable, your post service conduct does not alter your conduct while enlisted in the Navy or the basis for your discharge. 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,

[REDACTED]
Executive Director