



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

[REDACTED]  
Docket No: 4066-16

AUG 15 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 2 May 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 22 August 1997. During the period from 28 April 1998 to 9 February 2000, you received four nonjudicial punishments (NJP) for the following offenses: insubordinate conduct, assault, failure to obey an order or regulation, unauthorized absence (UA) on two separate occasions totaling 12 days, and two specifications of disrespect to a sentinel and communicating a threat. You were also convicted by civil authorities of underage possession of alcohol. Subsequently, you were notified of pending administrative separation action by reason of misconduct due to a pattern of misconduct. 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. The discharge authority approved this recommendation and directed separation under other than honorable conditions by reason of misconduct. On 24 April 2000, 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 were young and immature when you joined the Navy. However, the Board concluded that these factors were not sufficient to warrant relief given your

misconduct. In this regard, the Board concluded that the severity of your misconduct, which resulted in four NJPs and a civil conviction, outweighed your desire to upgrade your discharge. The Board was not persuaded by your contention that you were young and immature. The Board felt that your record clearly reflected your willful misconduct and demonstrated you were unfit for further service. 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