



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

[REDACTED]  
Docket No: 4084-16

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 18 October 1983. During the period from 27 December 1984 to 2 August 1985, you received seven nonjudicial punishments (NJP) for the following offenses: unauthorized absence (UA), three specifications of dereliction of duty, two specifications of disobeying a lawful order, two specifications of disobeying a lawful regulation, five specifications of being absent from appointed place of duty, wrongful use of provoking words, wrongful use of marijuana, and missing ship's movement. Subsequently, you were notified of pending administrative separation action by reason of misconduct due a pattern of misconduct. After you waived your procedural rights, your Commanding Officer recommended an Other Than Honorable (OTH) discharge by reason of misconduct due to a pattern of misconduct. On 30 August 1985, you received NJP for five specifications of disobeying a lawful order. On 18 October 1985, the discharge authority approved your Commanding Officer's recommendation and directed separation under other than honorable conditions by reason of misconduct. However, on 23 October 1985, you went into an unauthorized absence status and remained until 3 October 1988. On 23 October 1988, the discharge authority approved your Commanding Officer's recommendation and directed separation under other than honorable conditions by reason of misconduct. On 28 October 88, you again received NJP for 3 days of UA. On 4 November 1988, 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 assertion that you suffered from substance abuse problems that were never addressed or treated prior to discharge. The Board concluded that these factors were not sufficient to warrant relief in your case given your misconduct and drug abuse. In this regard, the Board concluded the severity of your misconduct, which resulted in nine NJPs, outweighed your desire to upgrade your discharge. The Board noted that the record shows that you were notified of and waived your procedural rights. In doing so, you gave up your first and best opportunity to advocate for retention or a more favorable characterization of service. Finally, the Board noted that there is no evidence in the record, and you provided none, to support your assertion. 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