



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

[REDACTED]
Docket No: 4267-16

JUN 26 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 4 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, regulation, and policies.

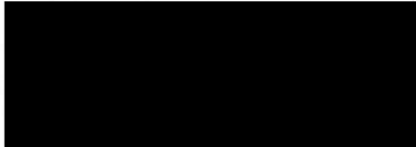
You enlisted in the Navy on 25 January 1980. During the period from 14 November 1980 to 31 March 1983, you received four nonjudicial punishments (NJP) for the following offenses: unauthorized absence (UA) on three separate occasions totaling 44 days, wrongfully procured \$600 in advance pay, and wrongful use, transferring, and possession of hashish. On 20 July 1984, you were convicted by special court martial (SCPM) of UA for 372 days. You were sentenced to forfeitures of pay, reduction to E-1, and a bad conduct discharge (BCD). On 8 April 1987, after the BCD was approved at all levels of review, 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 character letters, your desire to upgrade your discharge and contentions that you went UA for fear of your life and your medical records contain mitigating circumstances supporting you going UA. However, the Board found that these factors were not sufficient to warrant relief given your misconduct. In this regard, the Board concluded that the severity of your misconduct, specifically your lengthy periods of UA, outweighed your desire to upgrade your discharge. The Board also was not persuaded by the unsubstantiated contention that you went UA for fear of your life. The

Board noted that there is no evidence in your record, and you submitted none, to support your contention. The Board also noted that the record clearly shows that you were diagnosed with borderline personality disorder and recommended for administrative separation. However, due to your misconduct, the administrative separation was withdrawn. With that being said, the Board noted that you were convicted by a SPCM which held you accountable for your actions and assigned the most appropriate characterization of service based on your situation. 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