



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

[REDACTED]
Docket No: 4359-16

AUG 14 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 16 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.

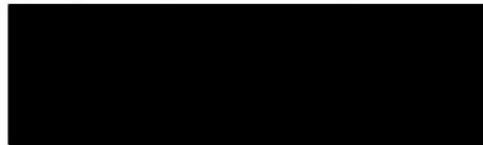
You enlisted in the Navy on 30 October 1978. During the period from 23 May 1980 to 20 November 1981, you received four nonjudicial punishments (NJP) for the following offenses: willfully disobeying a lawful order, wrongfully communicating a threat, two specifications of being absent from appointed place of duty, disrespect to a superior Petty Officer, resisting arrest, drunk on duty, and breach of peace. Subsequently, you were notified of pending administrative separation action by reason of being a burden on the command due to your inability to adjust to military service. At that time, you were advised of your rights, including your right to speak with a qualified military attorney. You waived your rights, and your Commanding Officer recommended a general discharge—under honorable conditions, by reason of being a burden on the command. The discharge authority approved the recommendation and directed a general discharge, by reason of being a burden on the command. On 10 February 1982, you were discharged with a characterization of general under honorable conditions.

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. However, the Board concluded that these factors were not sufficient to warrant

upgrading your discharge, given your misconduct and the fact that you failed to meet the minimum required marks to receive a fully honorable characterization of service. In this regard, the Board noted that the 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 2.8. 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 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