



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

[REDACTED]
Docket No: 6553-16
SEP 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 19 July 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, relevant portions of your naval record and applicable statutes, regulations and policies.

You enlisted in the Navy and began a period of active duty on 5 August 1980. You served for a year and four months without disciplinary incident, but during the period of 18 January 1982 to 3 April 1983, you received nonjudicial punishment (NJP) on eight occasions. Your offenses were failure to obey a lawful regulation, failure to go to your appointed place of duty, possession of a false Armed Forces Identification Card (AFID), absence from your appointed place of duty, wrongfully altering an AFID, dereliction in the performance of duties, unauthorized absence from your unit for periods totaling 42 days, and sleeping on watch. Subsequently, you were notified of pending administrative separation by reason of misconduct due a pattern of misconduct at which time you waived your procedural rights to present your case to an administrative discharge board (ADB). Your commanding officer recommended discharge under other than honorable conditions by reason of misconduct. The discharge authority approved your commanding officer's recommendation and directed separation under other than honorable conditions by reason of misconduct and, on 14 June 1983, 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 and contention that you were very young at the time and not well adjusted and that you had personal issues at home that you could not cope with. The Board found that these factors were not sufficient to warrant relief in your case because of your repeated misconduct that resulted in eight NJPs. Further, you were given an opportunity to defend your actions, but waived your procedural rights. In regard to your contention, that your misconduct was the result of your youth, 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,

[REDACTED]

Executive Director