



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

Docket No. 6567-16
NOV 28 2017

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 August 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.

Regarding your request for a personal appearance, the Board determined that a personal appearance with or without counsel will not materially add to their understanding of the issue involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.


You enlisted in the Navy and began a period of active duty on 29 May 1985. On 4 October 1985 and 18 October 1985, you received nonjudicial punishment (NJP) for violations including disobeying a lawful order, dereliction of duty and unauthorized absence (UA). Additionally, on 6 June 1986 and 26 June 1986, you received two more NJP's for offenses including UA, making a false statement and wrongful appropriation of property. As a result of the foregoing, on 2 July 1986 you were notified of proposed administrative discharge proceedings, afforded all your rights and you consulted with counsel. On 11 July 1986, you signed statement of awareness and acknowledged that if separation is approved, your characterization of service may be under Other than Honorable conditions and you waived all your rights prior to separation. On 31 July 1986, you were discharge with an OTH characterization of service.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. The Board carefully weighed your desire to upgrade your character of service and your

injustice. The Board carefully weighed your desire to upgrade your character of service and your contention that you were involuntarily separated without going through a separation board and that you felt discriminated against because of the decision of the Physical Disability Evaluation Board. The Board found no evidence in your record in regards to a physical disability evaluation decision, nor did you provide any documentation to support your contentions. Additionally, the Board determined that your repeated misconduct outweighed your desire to upgrade your 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,

A large black rectangular redaction box covering the signature of the Executive Director.

Executive Director