



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

[REDACTED]  
Docket No: 6626-16

OCT 10 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.

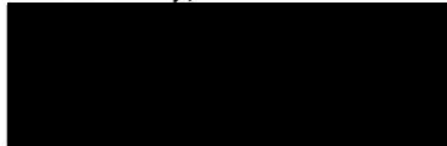
Although your application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider your application on its merits. A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 12 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 15 October 1979. You served for 10 months without disciplinary incident, but during the period from 7 August 1980 to 24 October 1984, you were convicted in civil court on four occasions. Your offenses were unauthorized use of a motor vehicle, disorderly conduct, second degree burglary, criminal trespass and criminal damage. On 28 January 1985, you were convicted by special court-martial of unauthorized absence (UA) from your unit for periods totaling 929 days. You were sentenced to confinement, a forfeiture of pay, and a bad conduct discharge (BCD). On 3 December 1985, you received the BCD after appellate review was complete.

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 your contention that due to the lapse in time since discharge an upgrade is due. The Board concluded these factors were not sufficient to warrant relief in your case because of the seriousness of your misconduct that resulted in four civil convictions, an SPCM, and periods of UA totaling over 2 years and six months. In regard to your contention, there is no provision of law or in Navy regulations that allows for recharacterization of service due solely to the passage of time. 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