



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

[REDACTED]
Docket No: 6725-16
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 7 September 1988. You served for about a year without disciplinary incident, but during the period from 31 October 1989 to 30 September 1991, you received nonjudicial punishment (NJP) on three occasions and were convicted by summary court-martial (SCM). Your offenses were dereliction in the performance of duties, underage drinking, assault, unauthorized absence (UA) from your unit for a period of 40 days, and using disrespectful language toward a noncommissioned officer.

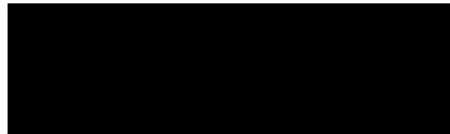
Subsequently, you were notified of pending administrative separation by reason of misconduct due to a pattern of misconduct at which time you elected to have administrative discharge board (ADB) review your case. The ADB found that you committed misconduct and that you should be separated under other than honorable conditions. Your commanding officer recommended discharge under other than honorable conditions by reason of misconduct due to a pattern of misconduct. The discharge authority approved this recommendation and directed separation under other than honorable conditions by reason of misconduct. Prior to discharged, on

20 March 1992, you received a fourth NJP, for a period of UA from your unit for 34 days and wrongful use of marijuana. On 2 April 1992, you were so 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 your contention that you were told your characterization would be upgraded in six months. The Board concluded these factors were not sufficient to warrant relief in your case because of the seriousness of your repeated misconduct that resulted in four NJPs, a SCM and periods of UA totaling more than 2 months. Finally, 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