



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

[REDACTED]
Docket No: 6768-16

NOV 01 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, reconsidered 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 and your prior case file.

You enlisted in the Navy and began a period of active duty on 19 May 1980. On 6 April 1982 you were admitted to the Alcohol Rehabilitation Center, but you were released early from the program and returned to your command on 16 April 1982 as a treatment failure due to inability or refusal to participate in the program. During the period from 9 September 1982 to 12 December 1983, you received nonjudicial punishment on three occasions. Your offenses were failure to obey a lawful general regulation, wrongfully using provoking words toward a police officer in the performance of his duties, wrongfully making a threat, unauthorized absence (UA) from your unit for periods totaling 44 days, missing ship's movement, insubordinate conduct toward a noncommissioned officer, using disrespectful language toward a noncommissioned officer, resisting lawful apprehension, deliberately damaging government property, assault and drunk and disorderly conduct.

Subsequently, you were notified of pending administrative discharge processing with an other than honorable (OTH) discharge due to misconduct. After consulting with legal counsel, you elected to present your case to an administrative discharge board (ADB). On 3 February 1984, the ADB found that you committed misconduct and recommended that you be separated with an OTH discharge. Your commanding officer concurred with the ADB and forwarded his

recommendation to the separation authority. The separation authority agreed with the recommendation of the ADB and directed your commanding officer to issue you an OTH discharge by reason of misconduct due to commission of a serious offense and on 14 March 1984, 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 your contention that too much weight was given to minor offenses. 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 three NJPs. The Board determined that your desire to upgrade your discharge was not enough to outweigh the significant misconduct you committed. 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