



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

[REDACTED]
Docket No: 7347-16

SEP 12 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 5 June 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, your naval record, and applicable statutes, regulations, and policies.

You began a period of active duty in the Navy on 15 July 1993. You served approximately eight months without disciplinary incident. On 1 April 1994, you received nonjudicial punishment while assigned to the [REDACTED] and entered a period of unauthorized absence (UA) the same month. You remained absent until your return by surrender on 27 August 1994. You submitted a request for separation in lieu of trial by court martial and were so discharged on 12 October 1994, with an other than honorable characterization of service.

The Board considered that you would like to upgrade your characterization of service from other than honorable to general. When making its determination, the Board noted that you state you have changed in the past 22 years and that you regret your unfortunate and childish actions. Furthermore, the Board considered that you also state you have suffered a life threatening injury.

After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material or injustice. The Board carefully weighed all potentially mitigating factors, such as your youth and your regret for your

past choices. The Board also noted that you returned to the [REDACTED] by surrender. Nonetheless, the Board found that the other than honorable discharge characterization was warranted given the length of your unauthorized absence from 29 April 2014 through 26 August 2014. Furthermore, the Board found that your request for the administrative discharge vice court martial supported the discharge characterization. The Board found that the length of time and your current personal circumstances are not sufficient to overcome your current characterization of service and that a change to your record is not warranted. 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