



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

[REDACTED]
Docket No. 7382-16
DEC 14 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 25 September 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 19 February 1980. From the period of 13 January to 28 December 1981, you received four nonjudicial punishments (NJP) for unauthorized absence (UA), possession of marijuana, breach of the peace, engaging in a fist fight, failure to obey a lawful order from a superior petty officer and convicted in civilian court for assault and battery. On 21 January 1982, you received an NJP for use of marijuana. As a result of the foregoing, administrative discharge proceedings were initiated and the separation authority directed an other than honorable (OTH) discharge by reason of misconduct. On 2 April 1982, you were discharged 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 all potentially mitigating factors, such as your desire to upgrade your character of service due to your post service conduct, and your contention that you were young when you made some bad choices and was not given the opportunity to redeem yourself. However, upon review and consideration of all the evidence of record, the Board concludes that your request does not warrant relief. In this regard, the Board concluded that the severity of your misconduct outweighed any evidence supporting an upgrade of your characterization of service. Accordingly, your application has been denied.

[REDACTED]

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