



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

[REDACTED]
Docket No: 7388-16
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, 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 26 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 reenlisted in the Navy on 3 September 1991 after more than three years of prior service. You served without disciplinary incident for seven years and seven months, but on 13 April 1998, you received nonjudicial punishment (NJP) for failure to obey a lawful order by wrongfully engaging in an unduly familiar personal relationship with a student and indecent assault. Although the Board lacked your entire service record book (SRB) it appears from the SRB entries before the Board that you were subsequently processed for separation by reason of misconduct. In connection with this processing you would have acknowledged the separation action and the separation authority would have approved a recommendation for separation. The record clearly shows that on 15 August 1998, you were discharged with a general characterization of service due to misconduct.

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. The Board concluded these factors were not sufficient to warrant relief in your case because of the seriousness of your misconduct that resulted in an NJP and your disregard of Navy regulations, customs, and traditions. 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