



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

Docket No: 8177-16

NOV 20 2017

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 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 23 July 1984. On 26 October 1987, you were convicted by summary court-martial (SCM) of two specifications of unauthorized absence (UA) totaling 66 days, and missing ship's movement. You were sentenced to a period of confinement at hard labor and a reduction in paygrade. Subsequently, administrative discharge action was initiated by reason of misconduct due to commission of a serious offense. After being afforded all of your procedural rights the separation authority directed that you received an other than honorable (OTH) discharge. You were discharged on 14 January 1988.

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, including your record of service, your regrets about your actions that got you into trouble, your desire to put your family first, that you have lived with your characterization of service for 28 years, and desire to upgrade your discharge. The Board concluded these factors were not sufficient to warrant recharacterization of your discharge given your SCM conviction for very serious offenses. Additionally, please be advised that even though the Department of Veteran's Affairs (DVA) determined that your service was performed honorably in order to establish your entitlement to veterans' benefits.

The DVA does not have any authority to change your naval record and an upgrade for purposes of the DVA does not change your service characterization. Accordingly, your application has been denied.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon 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