



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

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Docket No: 4459-20
Ref: Signature Date

Dear ■■■■■■■■■■

This is in reference to your application for correction of your naval record pursuant to Title 10, United States Code, Section 1552. After careful and conscientious consideration of the entire record, the Board for Correction of Naval Records (Board) found the evidence submitted was insufficient to establish the existence of probable material error or injustice. Consequently, your application has been denied.

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, sitting in executive session, considered your application on 16 October 2020. 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, as well as applicable statutes, regulations, and policies.

Regarding your request for a personal appearance, the Board determined that a personal appearance with or without counsel will not materially add to their understanding of the issues involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

You enlisted in the Navy and began a period of active service on 1 October 1982. You went on a period of unauthorized absence from 16 July 1984 until 10 August 1984. You went on a second period of unauthorized absence from 27 August 1984 until 16 October 1984. Although your record is incomplete, based on your DD Form 214, it appears you submitted a written request for a good of the service (GOS) discharge in order to avoid trial by court-martial for your periods of unauthorized absence. You were discharged on 30 November 1984 with an other than honorable (OTH) characterization of service by reason of separation in lieu of trial by court martial.

The Board carefully weighed all potentially mitigating factors, such as your desire to upgrade your discharge. You contend that petty officers over you were abusive. You contend you were unjustly accused of stealing a wallet and that you were found innocent of the charges following

an investigation; however, you were subjected to verbal abuse which caused you to go on unauthorized absence. You contend you returned after you realized your mistake and that you were an exemplary performer until your absence. You also express regret for your actions and note your health is not well. In reviewing your case, the Board noted a lack of available records. The Board also noted that your application and service record did not provide evidence to support your contentions. The Board relies on a presumption of regularity to support the official actions of public officers and, in the absence of substantial evidence to the contrary, will presume that they have properly discharged their official duties. The Board found no error or injustice in your record that warrants an upgrade to the characterization of your service.

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 the submission of new matters, which will require you to complete and submit a new DD Form 149. New matters are those not previously presented to or 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,

12/10/2020

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Executive Director

Signed by: █