



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

SJN
Docket No: 8336-13
4 September 2014

[REDACTED]

[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.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 3 September 2014. 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.

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.

You enlisted in the Navy and began a period of active duty on 29 August 1979. The Board found that during the period from 29 February 1980 to 6 April 1981, you received six nonjudicial punishments (NJP's) for three instances of disobedience, communicating a threat, two instances of wrongful possession of marijuana, resisting lawful apprehension, assault, wrongful appropriation of government property, and unauthorized absence. On 6 June 1981, you were convicted by special court-martial (SPCM) of insubordinate conduct. You were sentenced to confinement at hard labor and a forfeiture of pay. Subsequently, you were notified of pending administrative separation action by reason of misconduct due to frequent involvement of a discreditable nature with military authorities. After being advised of your procedural rights, you waived the right to an administrative discharge board (ADB). Your case was forwarded and the separation authority directed discharge under other than honorable conditions by reason of misconduct. You were so discharged on 13 October 1981.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth, record of service and desire to upgrade your discharge. Nevertheless, the Board found that these factors were not sufficient to warrant any change in your discharge given your six NJP's and SPCM conviction. The Board also noted that you waived an ADB, your best chance for retention or a better characterization of service. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

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 or other matter 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 handwritten signature in cursive script, appearing to read "R. J. O'Neill", written in dark ink.

ROBERT J. O'NEILL
Executive Director