



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

BAN
Docket No:NR08348-13
22 September 2014

[REDACTED]

[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.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 28 August 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 entered active duty in the Navy on 2 May 1991, and served without disciplinary incident until 16 June 1992, when you received nonjudicial punishment (NJP) for assault. You received another NJP on 21 August 1992, for larceny, forgery, and stealing mail. Additionally, you were found guilty in civil court of driving under the influence of alcohol and remained in police custody for 180 days. You were then recommended for separation with another than honorable (OTH) discharge due to a pattern of misconduct. You waived your right to counsel and an administrative discharge board (ADB). The separation authority approved the recommendation, and on 28 July 1993, you were separated with an OTH discharge due to misconduct and an RE-4 (not recommended for retention) reentry code.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and claim of alcohol dependency. However, the Board

noted since you were not diagnosed as being alcohol dependent, rehabilitation was not mandatory. Therefore, the Board concluded these factors were not sufficient to warrant a change to your characterization of service due to your frequent acts of misconduct. Furthermore, the Board found you waived your right to an ADB, your best opportunity 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 evidence within one year from the date of the Board's decision. New evidence is evidence not previously considered by the Board prior to making its decision in this case. 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,



ROBERT J. O'NEILL
Executive Director