



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

BJG
Docket No: 9033-13
2 October 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 1 October 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 that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

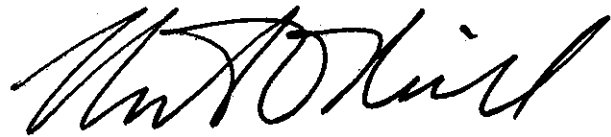
You enlisted in the Navy and entered a period of active duty on 22 March 1988. You received nonjudicial punishment (NJP) on seven occasions for driving under the influence of alcohol, reckless driving, failure to obey a lawful order (six instances), conduct prejudicial to good order and discipline, willfully disobeying a lawful order, (two instances), disrespect, being drunk and disorderly (two instances), and failure to go to your appointed place of duty. You were then advised that your command was recommending you for administrative separation with an other than honorable (OTH)

characterization of service due to misconduct. You waived your procedural right to have your case heard by an administrative discharge board (ADB). On 1 November 1991, you were discharged with an OTH characterization of service due to misconduct, and assigned an RE-4 (not recommended for retention) reentry code.

In its review of your application, the Board carefully weighed all potentially mitigating factors, such as your youth, combat service during Desert Shield/Storm (DS/S), current diagnosis of post-traumatic stress disorder (PTSD), and desire to upgrade your discharge. However, the Board concluded that your discharge should not be changed due to your numerous acts of misconduct. The Board noted that you waived your right to an ADB, your best opportunity for retention or a better characterization of service. The Board found that your current PTSD diagnosis did not mitigate your misconduct, particularly noting that four of your NJP's occurred before you deployed for DS/S. Finally, you are advised that the mere passage of time or post service good conduct do not require the upgrade of a discharge. In view of the above, 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 your 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