



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

[REDACTED]
Docket No: 03157-16

APR 20 2017

[REDACTED]
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 considered your application on 13 January 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, your naval record, and applicable statutes, regulations, and policies.

You began a period of active duty in the Navy on 21 November 1989. You served without disciplinary incident until 15 December 1990, when you began a period of unauthorized absence. You were apprehended by civilian authorities and returned to military control on 22 February 1991. On 4 April 1991, at summary court martial proceedings, you were found guilty of violating Uniform Code of Military Justice, Article 86 (Unauthorized Absence (UA)). The Court sentenced you to 60 days restriction. On 7 June 1991, you were notified of administrative separation proceedings with an other than honorable discharge characterization recommended on the basis of misconduct. You waived your right to consult with counsel and appear before an administrative separation board. On 8 July 1991, you were discharged with an other than honorable characterization of service.

The Board considered your statement that you were under mental anguish and stress at the time you went absent without authorization. The Board also considered your statement that you absented yourself to care for a family member, and that you were being mistreated by your leading petty officer. The Board noted your final trait averages for rate knowledge (3.2) and military bearing (3.3), as well as your low trait averages for reliability and personal behavior.

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, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as the personal circumstances surrounding your absence. The Board found that these factors were not sufficient to warrant recharacterization of your discharge given

the seriousness of your misconduct. The Board concluded that the length of your absence, combined with the guilty finding at summary court martial conviction, support the other than honorable discharge characterization and the references to UA and to desertion in your record. The Board determined that your record did not reflect an error or injustice that warranted a change or correction. Accordingly, your application has been denied.

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

[REDACTED]

Executive Director