



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

Docket No. 3466-16

SEP 26 2017

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of 10 U.S.C. §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, sitting in executive session, considered your application on 21 June 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 enlisted in the Navy and began a period of active duty on 11 October 2000. From the period of 13 April 2001 to 9 April 2002, you have a recorded period of lost time. The Board noted that on 15 May 2002, you signed an administrative remarks form NAVPERS 1070/613 as acknowledgement that you were not eligible for re-enlistment due to your request of an administrative discharge in lieu of court martial. As a result of the foregoing, your request for separation was approved by the separation authority and on 15 May 2002 you were discharged with an other than honorable (OTH) characterization of service.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your desire to upgrade your discharge due to the passage of time. The Board concluded this factor was not sufficient to warrant recharacterization of your discharge given that the Board's presumption that your recorded lost time is a result of you being on a long period of unauthorized absence. The Board concluded that your misconduct outweighed your desire to upgrade your discharge. Additionally, there is no provision in law or regulations that allows for recharacterization automatically due solely to the passage of time. 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