



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

Docket No. 3554-16  
MAY 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. Your case was reconsidered in accordance with procedures that conform to *Lipsman v. Secretary of the Army*, 335 F. Supp. 2d 48 (D.D.C. 2004). You were previously denied relief by this Board on 20 August 2002.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 14 February 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.

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. It was noted that you received three nonjudicial punishments (NJP) for disrespect, destruction of property and multiple unauthorized absences (UA). After returning from an 86 day UA on 11 January 1979, you submitted a written request for an undesirable discharge in lieu of trial by court martial and were advised of your rights and consequences by a qualified military counsel prior submitting. As a result of the foregoing, administrative discharge action was initiated and on 7 February 1989, you were discharged with an Other than Honorable characterization of service.

The Board carefully weighed all potentially mitigating factors, such as your desire to upgrade your character of service. There is no provision of federal law or in Navy /Marine Corps regulations that allows for a discharge upgrade or recharacterization of service due solely to the passage of time. The Board concluded these factors were not sufficient to warrant relief in your case, given the seriousness of your misconduct. Accordingly, your application has been denied.

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.

  
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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,



Executive Director