

DEPARTMENT OF THE NAVY

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

Docket No: 4065-16
JUN 1 2 2017

Dear

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, sitting in executive session, considered your application on 8 March 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 15 June 1993. On 7 February 1994, the Police Department Juvenile Sex Crimes unit received an incident report implicating you as the abuser of a minor. On 16 August 1994, the Family Advocacy Case Review Sub-committee reviewed the allegations and substantiated the case and recommended administrative separation. Subsequently, you were notified of administrative separation by reason of misconduct due to commission of a serious offense, at which time you elected your right to consult with counsel and to present a statement on your behalf. The Commanding Officer recommended administrative discharge with a General discharge. The Discharge Authority approved this recommendation and directed discharge. On 21 April 1995, you were discharged.

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 carefully weighed all potentially mitigating factors, such as your contention that you did not have any misconduct in your record before, during or after your discharge. Also, your desire to upgrade your discharge, change your narrative reason for separation and separation code. The Board concluded these factors were not sufficient to warrant relief in your case. In this regard,

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the Board concluded the seriousness of your misconduct, outweighed your desire to upgrade your discharge, change your narrative reason for separation and separation code. 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,

Executive Director