



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

[REDACTED]
Docket No: 4256-16
JUN 27 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, sitting in executive session, considered your application on 3 April 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.

Regarding your request for a personal appearance, the Board determined that a personal appearance with or without counsel will not materially add to their understanding of the issue(s) involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

You began a period of enlistment in the Navy on 13 September 1993, and you served for nearly a year and a half without disciplinary incident. On 25 January 1995, you received nonjudicial punishment (NJP) for dereliction of duty, and were awarded restriction and extra duty for 14 days. On 12 July 1996, you received a second NJP for disrespect and drunk and disorderly conduct and were awarded 15 days of restriction, 15 days of extra duty, and forfeiture of \$100 pay per month for one month. You completed four years of enlistment on 14 September 1997, but were obligated to an additional two years based on your initial enlistment contract. On 3 October 1997, you absented yourself without authorization, and on 11 November 1997, you were declared a deserter. You returned to military control on 4 May 1998, and were taken to special court martial. On 24 June 1998, at special court martial proceedings, you were found guilty of violating Uniform Code of Military Justice, Article 86 (unauthorized absence from 3 October 1997 to 4 May 1998, and Article 87 (missing ship's movement). The Court sentenced you to forfeiture of \$500 pay per month for two months, reduction in rank to E-1 and confinement for

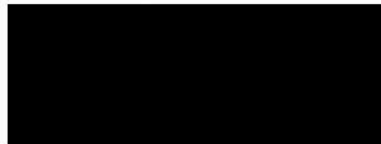
70 days. On 20 November 1998, you were discharged from the Navy with an other than honorable characterization of service on the basis of misconduct.

The Board considered your request for an upgrade to your service characterization from other than honorable to honorable. When making its determination, the Board noted that you state you were required to sign a two-year extension to your initial four-year enlistment so that you could take part in Electronics Technician (ET) training. You failed to complete the ET training, and were informed that you would still be required to honor your two-year extension. The Board considered your assertion that you were depressed and began a period of unauthorized absence after being told that the two-year commitment would still apply.

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 completion of four years of duty prior to your unauthorized absence as well as your state of mind at the time you left military control. The Board found that these factors were not sufficient to warrant recharacterization of your discharge given the seriousness of your misconduct as evidenced by the length of your absence and by your missing ship's movement. The Board also considered the guilty findings of the special court martial, as well as your two NJPs that occurred within your first four years of enlistment. The Board concluded that your record and the information you submitted do not support the finding of an error or injustice that merits 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,



Executive Director