



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

[REDACTED]
Docket No: 4417-16
AUG 14 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 16 May 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 on 6 July 1993. According to the information in your record, on 15 November 1993, you were convicted by summary court-martial (SCM) of unauthorized absence (UA) totaling 29 days. As a result of the forgoing, you were notified of the recommendation that you be discharged by reason of entry level separation due to performance/conduct. On 9 December 1993, 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 desire to change your characterization of service and contentions that you did not receive counseling prior to your discharge, your DD Form 214 does not state you finished basic training, and you received the National Defense Service Medal (NDSM) which you believed is awarded when all training is completed. However, the Board found that these factors were not sufficient to warrant changing your characterization of service. The Board noted that you were notified of your separation processing within 180 days of the beginning of your period of active service. Applicable regulations authorize an uncharacterized entry level separation if the processing of an individual's separation begins within 180 days of the individual's entry on active service.

The Board noted that the record contains documented evidence which is contrary to your contention that you never received counseling prior to your discharge proceedings. The Board also noted that at the time of your separation, you served a total of four months and four day on active duty. In your case, you completed Basic Training but failed to complete the Military Occupation School (MOS) Training which is a requirement in order to be identified as successfully completing Navy Basic Training. In regard to you assertion on the NDSM, the Board noted that the NDSM is awarded to every individual upon entry into Basic Training. 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