



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

[REDACTED]
Docket No: 4423-16

JUN 6 7 2017

[REDACTED]
Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10, 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 22 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.

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 enlisted in the Navy and began a period of active duty on 28 April 1980. You served for about a month without disciplinary incident, but during the period from 29 May 1980 to 16 May 1981, you received nonjudicial punishment (NJP) on five occasions. Your offenses were dereliction in the performance of duties, failure to obey a lawful order, gambling on the [REDACTED] [REDACTED] unauthorized absence from your unit, failure to go to your appointed place of duty, using disrespectful language toward a superior commissioned officer, wrongful possession and use of marijuana. Subsequently, you were notified of pending administrative separation by reason of convenience of the government due to your burden on the command at which time you waived your procedural rights to consult with legal counsel or to make a statement on your behalf. Your commanding officer recommended discharge under honorable conditions by reason

of convenience of the government due to your burden on the command. The discharge authority approved this recommendation and directed separation under honorable conditions. On 9 July 1981, 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, in its review of your entire record and application, carefully weighed all potentially mitigating factors, and your contentions that under current standards you would not receive the same type of discharge as personal and financial problems impaired your ability to serve and that you had extreme family problems and you were impaired by your youth and immaturity. The Board found that these factors were not sufficient to warrant relief in your case given the seriousness of your repeated misconduct that resulted in five NJPs in a year. The evidence of record did not show that you were not responsible for your conduct or that you should not be held accountable for your actions. 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,

A large black rectangular redaction box covering the signature of the Executive Director.

Executive Director