



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

██████████
Docket No. 6618-16

NOV 28 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 16 August 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, relevant portions of your naval record and applicable statutes, regulations and policies.


You enlisted in the Navy and began a period of active duty on 5 September 1989. On 31 July 1991, you received nonjudicial punishment (NJP) for offenses including three specifications of insubordinate conduct towards a Petty Officer and communicating a threat. On 28 August 1991 you were arrested by civilian authorities being charged with battery and domestic violence. On 18 August 1992, you received NJP for offenses such as willfully disobeying a superior commissioned officer, your intention to deceive an officer by giving a false statement, and being drunk and disorderly. On 23 December 1992, you were convicted in civilian court for battery. On 14 January 1993, you were notified of proposed administrative discharge proceedings by reason of misconduct due to a civilian conviction and alcohol rehabilitation failure. Subsequently, you waived all your rights. Your discharge was approved and on 26 February 1993, you were discharged with an other than honorable characterization of service by reason of civilian conviction.

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. The Board considered your desire to upgrade your discharge, reviewed your character reference letters, and took your post service conduct and character change into consideration but

determined that the severity of your misconduct outweighed the desire of a character of service upgrade. 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