



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

[REDACTED]
Docket No: 6737-16

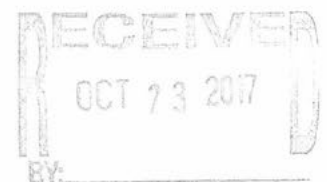
[REDACTED]
Dear [REDACTED]

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 12 July 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 11 April 1977. You served for about four months without disciplinary incident, but during the period from 3 August 1977 to 11 March 1981, you received nonjudicial punishment (NJP) on six occasions and were convicted by special court-martial (SPCM). Your offenses were sleeping on watch, disrespectful conduct toward a noncommissioned officer, drunk and disorderly conduct, disobeying a lawful order from a noncommissioned officer, and unauthorized absence from your unit for periods totaling 170 days. You remained on active duty until 7 January 1982, when you were released under honorable conditions, at the expiration of your enlistment.

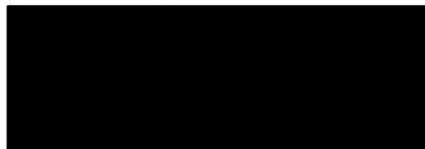
After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice. The Board carefully weighed all potentially mitigating factors, and your contention that you were discharged because you were not good at your job. The Board found that these factors were not sufficient to warrant relief in your case given the seriousness of your misconduct that resulted in six NJPs, an SPCM, and periods of UA lasting over four months. The Board believed that you



were fortunate to receive a general discharge since a separation under other than honorable conditions is often directed when a Sailor has committed serious disciplinary infractions. In regard to your contention the Board noted that you were discharged at the fulfilment of your service obligation. 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