



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

[REDACTED]  
Docket No: 7344-16

NOV 28 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 19 September 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 issues involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

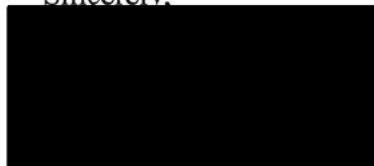
You enlisted in the Navy on 27 November 1978. During the period from 10 July 1979 to 15 June 1981, you received nonjudicial punishments (NJP) on five occasions for unauthorized absence (UA), missing ship's movement, wrongful use and possession of marijuana, possession of marijuana, failure to obey a lawful order, and possession and use of hashish. Subsequently, you were notified of pending administrative separation action by reason of misconduct due to a pattern of misconduct and frequent involvement with military authorities. After you waived your procedural rights, your Commanding Officer recommended discharge under other than honorable (OTH) conditions by reason of misconduct due to a pattern of misconduct and frequent involvement with military authorities. On 16 July 1981, you received NJP for UA, possession and use of hashish, making a false official statement, destruction of government property, and breaking restriction. On 16 July 1981, the discharge authority approved your

Commanding Officer's recommendation and directed separation under other than honorable conditions by reason of misconduct. On 6 August 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 carefully weighed all potentially mitigating factors, such as your desire to upgrade your discharge and contention that you were told your discharge would be upgraded as long as you stayed out of trouble and you have been an upstanding citizen since your discharge 36 years ago. The Board concluded that these factors were not sufficient to warrant relief given your misconduct. In this regard, the Board concluded that the seriousness of your misconduct, as evidenced by six NJPs outweighed your desire to upgrade your discharge and supports the Commanding Officer's decision to issue you an OTH discharge. The Board noted that there is no provision in law or regulations that allows for re-characterization of a discharge automatically. The Board also noted while commendable, staying trouble free and being an upstanding citizen, does not alter your conduct while enlisted in the Navy or the basis for your discharge. In the end, the Board determined that your misconduct was too serious to warrant upgrading your discharge. 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