



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

[REDACTED]
Docket No: 7386-16
DEC 14 2017

[REDACTED]
Dea [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 23 October 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.

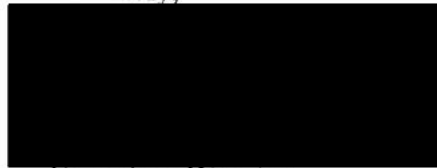
You enlisted in the Navy and began a period of active duty on 1 February 1989. On 14 January 1991, at summary court martial (SCM) proceedings, you were found guilty of violating the Uniform Code of Military Justice (UCMJ), Article 92 (failure to obey a lawful written order) and Article 134 (obtain telephone services for your own personal use, with the intent to defraud). On 2 May 1991, at special court martial (SPCM) proceedings, you were found guilty of five specifications of violating UCMJ, Article 123a (forgery), and were sentenced to confinement for 2 months, reduction in rank to E-1, forfeiture of \$502.00 pay per month for 2 months, and to be discharged from the naval service with a bad conduct discharge. On 23 March 1995, you were notified that Navy Marine Corps Appellate Review Activity had completed the appellate review of your special court martial proceedings and resultant sentence. You were discharged on 7 July 1997, with a bad conduct discharge and a reentry (RE) code of RE-4.

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 such as your desire to upgrade your discharge, your character letters, your personal circumstances at the time of your military service and your post-service conduct and

character, and your contentions that you could not recall the facts of your court martial, briefly recall having dating problems, and being harassed for every mistake you made. The Board concluded these factors were not sufficient to warrant relief in your case because of the seriousness of your misconduct that resulted in a SCM and SPCM. The Board discerned no impropriety or inequity in 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