



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

[REDACTED]
Docket No: 7393-16

SEP 12 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 6 June 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.


You began a period of active duty in the Navy on 5 July 2013. You served six months without disciplinary incident. On 13 February 2014, you received nonjudicial punishment (NJP) for failure to obey a lawful order or regulation and wrongfully creating a hostile work environment. You were separated from the Navy on 14 April 2014, with an other than honorable characterization of service and a separation code of HKQ. Your administrative separation paperwork is not available in your service record, but the separation code of HKQ indicates you waived your administrative separation board. The Naval Discharge Review Board considered your request for an upgrade to your other than honorable discharge characterization, and denied your request on 28 April 2015.

The Board considered your request for an upgrade to your discharge characterization. After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material or injustice. The Board carefully weighed all potentially mitigating factors. The Board noted your desire to better yourself with the use of the GI Bill, as well as your assertion that you served faithfully for a year after the incident. Your service record indicates that your NJP occurred in February 2014, approximately two months before you were discharged. The Board found that you did not

submit sufficient information to establish that your administrative separation was erroneous or unjust. You received an NJP for wrongfully creating a hostile work environment and the record indicates you waived your right to appear before an administrative separation board. The Board found that your other than honorable discharge characterization is supported by the misconduct reflected in your record, and a change is not warranted. 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