



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

[REDACTED]  
Docket No: 8174-16  
FEB 03 2017

[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 18 November 2016. 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.

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.


You enlisted in the Navy and began a period of active duty on 4 October 1984. You served without disciplinary incident until 15 November 1985, when you received nonjudicial punishment (NJP) for unauthorized absence (UA) and failure to obey a lawful order. During the period of 25 April 1986 through 23 January 1987, you received NJP on four additional occasions. Your offenses were disrespect, disobeying a lawful order, drunk and disorderly conduct, incapacitated for the performance of duty, unauthorized absence (UA) on several occasions, and wrongful use of a controlled substance. On 20 April 1987, you began a period of unauthorized absence (UA) and would not return until 15 May 1987. On 11 August 1987, you were convicted by special court-martial (SPCM) of unauthorized absence (UA) and missing ships movement. You were sentenced to a reduction in rank, three months of confinement with hard labor, forfeiture of pay, and a bad conduct discharge (BCD). The BCD was approved at all levels, and on 14 December 1989, you were so discharged.

  
Docket No: 8174-16

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your desire to upgrade your character of service, assertions you were singled out by your commanding officer and that your deployment date moved up a couple weeks during your leave period. Nevertheless, the Board concluded these factors were not sufficient to warrant relief in your case, given the seriousness of your repeated misconduct and you submitted no evidence to support your claims. Accordingly, your application has been denied.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence within one year from the date of the Board's decision. New evidence is evidence not previously considered by the Board prior to making its decision in your case. 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