



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

[REDACTED]  
Docket No: 395-17

MAR 09 2018

[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.

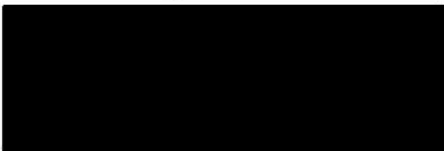
Although your application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider your application on its merits. A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 28 February 2018. 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 13 September 1989. You served for two years and five months without disciplinary incident, but during the period from, 12 March 1992, you received nonjudicial punishment (NJP) for two charges of unauthorized absence (UA) and missing ship's movement. On 15 July 1992, you were convicted by special court-martial (SPCM) and in civil court for unauthorized absence from your unit for periods totaling 23 days, missing ship's movement, two instances of assaulting police officers, making a false report to the police and assaulting another sailor. Subsequently, you were notified of pending administrative separation by reason of misconduct due to commission of a serious offense at which time you waived your procedural rights to consult with legal counsel and to present your case to an administrative discharge board (ADB). Your commanding officer recommended discharge under other than honorable (OTH) conditions by reason of misconduct due to commission of a serious offense. The discharge authority approved this recommendation and directed separation under other than honorable conditions by reason of misconduct, and on 15 December 1992, 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 post service conduct and your contention that you were young and didn't know that the character of service would affect your life and employment forever. The Board found that these factors were not sufficient to warrant relief in your case because of the seriousness of your misconduct that resulted in an NJP, a civil conviction and an SPCM. The Board noted that you waived your right to an ADB, your best opportunity for retention or a better characterization of service. Further the Board concluded that the severity of your misconduct outweighed your contention that your misconduct was the result of your youth. The Board in its review discerned no impropriety or inequity in the 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,



Executive Director