



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

[REDACTED]
Docket No: 5367-17

JAN 02 2019

[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. 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. Consequently, your application has been denied.

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 16 October 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 on 19 August 1987. During the period from 27 March 1989 to 27 January 1990, you received four non-judicial punishments (NJP) for unauthorized absence (UA), two specifications of dereliction of duty, disorderly conduct, and disobeying a lawful order. Subsequently, you were notified of pending administrative separation action by reason of misconduct due to a pattern of misconduct. After you waived your procedural rights, your commanding officer (CO) recommended that you be discharged under other than honorable (OTH) conditions by reason of misconduct due to a pattern of misconduct. The discharge authority approved this recommendation and directed your separation under OTH conditions by reason of misconduct. On 15 February 1990, you were discharged.

The Board carefully weighed all potentially mitigating factors, such as your desire to upgrade your discharge. The Board, however, concluded that this factor was not sufficient to warrant relief given your pattern of misconduct.

In this regard, the Board concluded that the seriousness of your misconduct, as evidenced by your four NJPs, outweighed your desire to upgrade your discharge and clearly supports your OTH characterization of service.

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