



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

[REDACTED]
Docket No: 7771-17

APR 30 2019

[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. 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 15 January 2019. 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 6 March 1986. During the period from 19 March 1987 to 26 October 1988, you received four non-judicial punishments (NJP) for two specifications of absence from appointed place of duty, unauthorized absence (UA) for one day, failure to obey a lawful order, and failure to go to appointed place of duty. 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 discharge under other than honorable (OTH) conditions by reason of misconduct due to a pattern of misconduct. On 2 December 1988, you received an additional NJP for being in a UA status for 27 days. On 8 February 1989, the discharge authority approved your CO's recommendation and directed an OTH discharge by reason of misconduct. On 13 February 1989, you were discharged.

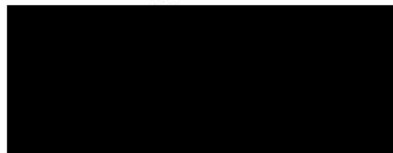
The Board carefully weighed all potentially mitigating factors, such as character letters, your desire to upgrade your discharge and contentions that your discharge should be upgraded based

on your post service conduct and you went UA because your CO promised you could attend journalism school after deployment. In this regard, the Board concluded that the seriousness of your misconduct, as evidenced by five NJPs, outweighed your desire to upgrade your discharge and clearly supports the CO's decision to issue an OTH discharge.

In regard to your contention that your discharge should be upgraded based on your post service conduct, the Board commends you for your post service conduct, however it does not excuse your conduct while enlisted in the Navy or the basis for your discharge. Regarding your contention that you went UA because your CO promised you could attend journalism school after deployment, the Board noted that there is no evidence in your record, and you submitted none, to support your contention.

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