



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

[REDACTED]  
Docket No: 7942-17

MAY 01 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 was 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. Your request was carefully examined by a three-member panel of the Board for Correction of Naval Records, sitting in executive session on 28 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.

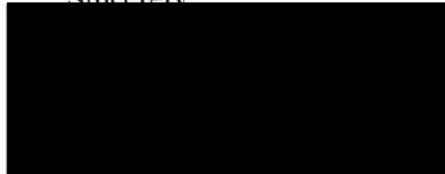
You enlisted in the Navy and began a period of active duty on 2 March 1990. On 16 January 1990, you were briefed on the Navy's policy regarding drug and alcohol abuse during your enlistment period. You were again briefed as to the drug and alcohol policy on 7 March 1990. On 19 July 1990, you received nonjudicial punishment (NJP) for underage drinking and drunk driving, and were counseled regarding the offenses. On 24 September 1990, you were counseled for lighting fires on the deck and smelling of alcohol. On 27 September 1990, you received NJP for underage drinking. On 4 January 1992, you were determined to be a Level-III alcohol rehabilitation failure. On 7 February 1992, you received NJP for underage drinking and being drunk on duty. On 26 February 1992, you had an unauthorized absence of 26 hours. On 5 March 1992, you were convicted by a summary court-martial (SCM) of six specifications of failure to go to your appointed place of duty, violation of a lawful order, wrongful use of marijuana, and breaking restriction. On 15 April 1992, you were notified of administrative separation proceedings by reason of alcohol rehabilitation failure and misconduct due to commission of a serious offense and due to drug abuse, and you requested an administrative

discharge board (ADB). The ADB convened on 3 June 1992 and recommended that you be separated with an other than honorable (OTH) characterization of service. On 10 June 1992, you received NJP for disrespect to two petty officers and failure to obey an order. On 12 June 1992, your commanding officer concurred with the ADB's recommendation, and you were separated with an OTH characterization of service on 3 August 1992.

The Board carefully weighed all potentially mitigating factors, such as your desire to upgrade your discharge, and your assertion that you were discharged for underage drinking, a medical condition. The Board also considered your assertion that you were not guilty of arson, but attempted to put out the fire and were given bad advice as to remaining silent. The Board, however, concluded that these factors and assertions were not sufficient to warrant a change to your discharge given your repeated serious misconduct, which resulted in four NJPs and a SCM conviction. The Board noted that you were separated for misconduct due to commission of a serious offense, not for underage drinking, as you allege. The Board also noted that counseled for starting a fire on the deck, but you were not convicted of—or processed for administrative separation by reason of—arson, despite your assertion. Finally, the Board noted that there is no evidence in the record, and you submitted none, to support your assertion that you were given bad advice.

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 matters. New are those not previously presented to or 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,

A large black rectangular redaction box covering the signature of the Executive Director.

Executive Director