



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

Docket No: 8174-17

MAY 01 2019

Dear [REDACTED]

This letter is in reference to your application for correction of your naval record pursuant to 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 7 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 20 September 1985. On 4 February 1987, you received nonjudicial punishment (NJP) for being absent from your appointed place of duty, and making a false official statement. On 7 April 1987, you were counseled regarding the aforementioned NJP, and warned that further misconduct could result in disciplinary action and administrative separation. On 18 June 1987, you received NJP for being absent from your appointed place of duty. On 10 August 1987, a Drug and Alcohol Abuse Report states that your Commanding Officer determined that you had no potential for further naval service. On 18 December 1987, you were convicted by civil authorities in [REDACTED] of simple assault, shoplifting, and carrying a concealed weapon. You remained on active duty, and on 23 February 1988, were convicted by special court-martial of three specifications of unauthorized absence (UA) totaling 76 days. You were sentenced to confinement, a forfeiture of pay, and a bad conduct discharge (BCD). On 16 March 1988, you were released from confinement and placed on appellate leave. You received your BCD on 31 January 1989.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, including your record of service, desire to have your discharge upgraded, and your statement that you have been ashamed and punished by society by not being honorably discharged. The Board found that these factors were not sufficient to warrant recharacterization of your discharge given your misconduct, which resulted in two NJPs, a civil conviction, a special court-martial conviction, and the fact that you were specifically counseled regarding the potential adverse consequences of further misconduct after your first NJP.

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 or other matters 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,

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

Executive Director