



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

[REDACTED]
Docket No: 8176-17

APR 08 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 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 10 December 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.

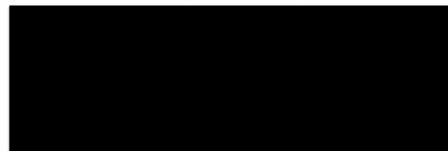
You enlisted in the Navy on 29 June 1993 and agreed to serve four years on active duty. You began a period of active duty on 20 June 1994. Your record indicates that on 20 June 1994, you signed an agreement to extend your enlistment for 12 months, with a new End of Active Duty Obligated Service (EAOS) date of 19 June 1999, in order to participate in a 5-year obligor program for your rating. Administrative Remarks dated 22 June 1994 note that you were being retained in the Naval Service despite defective enlistment due to fraudulent entry as evidenced by failing to disclose your pre-service civil involvement. On 23 November 1994, you received nonjudicial punishment (NJP). On 3 August 1995, you received a second NJP. On 2 June 1998, you were held beyond your original EAOS in order to complete legal proceedings. On 29 June 1998, you received a third NJP for unauthorized absence (UA), failure to obey a lawful order, and false official statement. Your record does not contain a copy of your administrative separation package. On 2 July 1998, you were discharged from the Navy by reason of misconduct with a general (under honorable conditions) characterization of service and a reentry (RE) code of RE-4.

You request an upgrade to your characterization of service from general to honorable, and a change to the length of your enlistment contract. You contend that you were harassed and hazed while in the Navy, and that, due to being targeted on the basis of your last name, you had to change your home phone number multiple times to avoid receiving phone calls caused by your shipmates placing your number on a men's dating site. You also contend that your last incident of misconduct resulted from your command's inability to contact you to come in for watch, and that you should have been on house-hunting leave during the time you were charged with being UA. You also claim that your command never assisted you despite your requests for guidance on how to deal with the harassment.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, including your claims of harassment, as well as your contention that your active-duty service should have been limited to four instead of five years. The Board noted that your record reflects three NJPs within your enlistment, and that you signed an agreement to extend your enlistment from four years to five, with a new EAOS of 19 June 1999. The Board noted, too, that your record and the information you provided in support of your application do not corroborate your claims of harassment or hazing. Furthermore, in light of the 20 June 1994 extension of your enlistment contract, the Board found that you were properly on active duty at the time of your NJPs. The Board noted that, although your administrative separation package is not in your available record, based on the numbers of years you were on active duty, you were not entitled to appear before an administrative separation board. Also, based on your three NJPs and the nature of your misconduct, your general characterization of service was warranted. The Board found that you properly extended your enlistment on 20 June 1994 to commit to a five-year active-duty obligation rather than a four-year obligation. The Board thus concluded that your general characterization of service does not constitute an error or injustice, and that your five-year contractual obligation does not merit a change.

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