



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

█
Docket No: 7693-19
Ref: Signature Date



Dear █

This 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 for Correction of Naval Records (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, sitting in executive session, considered your application on 2 November 2020. 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.

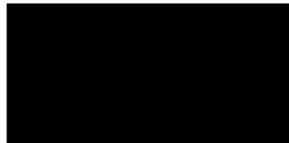
You enlisted in the Navy and began a period of active duty on 25 June 1982. During the period from 3 May 1983 to 27 July 1985, you received three nonjudicial punishments (NJPs) for 16 days of unauthorized absence (UA), missing ship's movement, use of provoking gestures, and two instances of failing to go to your appointed place of duty. On 31 July 1985, you were, counseled and warned, that further misconduct, could result in administrative discharge action. On 15 October 1985 and 6 June 1986, you received two additional NJPs for three periods of UA totaling 10 days and making a false official statement. On 25 July 1986, you were, convicted by summary court-martial (SCM) of 16 days of UA. On 4 August 1986, you were notified that you were being processed for administrative discharge due to a pattern of misconduct and commission of a serious offense. After being afforded your procedural rights, you elected not to have your case heard before an administrative discharge board. Your case was forwarded to the separation authority, and on 18 August 1986, it was directed that you be separated from the Navy with an other than honorable (OTH) discharge due to a pattern of misconduct. On 28 August 1986, you were discharged from the Navy with an OTH characterization of service.

The Board carefully weighed all potentially mitigating factors, such as your record of service, and desire to have your characterization of service ungraded. The Board also considered your assertions, including that you were a child victim of horrendous abuse, had Post-Traumatic Stress Disorder long before entering the Navy, and things you have accomplished. The Board concluded these factors and assertions were not sufficient to warrant a change to your characterization of service given the misconduct detailed in your service record. In reviewing the circumstances of your separation and characterization of service, the Board considered the totality of the circumstances to determine whether relief is appropriate today in the interests of justice in accordance with guidance provided by the Under Secretary of Defense for Personnel and Readiness (*Wilkie Memo of 25 July 2018*). Even considering these potentially mitigating factors in accordance with the above referenced guidance, the Board did not find that relief was in the interest of justice. The Board concluded that your OTH discharge characterization was issued without error or injustice, and that corrective action is not warranted.

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, which will require you to complete and submit a new DD Form 149. New matters 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,

12/19/2020



Executive Director

Signed by:

