



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

[REDACTED] Docket No: 11353-19

Ref: Signature Date

[REDACTED]

Dear [REDACTED]

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 7 October 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 13 November 1978. During the period from 26 October 1979 to 15 August 1980, you received eight nonjudicial punishments (NJP). Your offenses were four specifications of failure to muster with restricted men, two specifications of larceny, an unauthorized absence, false official statement, wrongful possession of a government identification card with an altered birth date, wrongful possession of a government identification card that had been reported lost, sleeping while on watch, dereliction in the performance of duty, disrespect in language on two occasions, creating disorder and neglect to the good order and discipline in the armed forces, wrongful possession of .45 Cal ammunition, and willful disobedience.

Subsequently, on 19 August 1980, you were notified of pending administrative action to separate you from the naval service because of misconduct due to frequent involvement of a discreditable nature with military authorities. You were advised of, and elected your procedural right, to consult with military counsel. After consulting with military counsel, you waived your right to present your case to an administrative discharge board. Your commanding officer (CO)

recommended administrative discharge from the naval service with an other than honorable (OTH) characterization of service. Prior to the discharge authority's decision, you received your ninth NJP for failure to obey a lawful order. The discharge authority approved the CO's recommendation and directed that you be separated from the naval service with an OTH characterization of service. On 17 September 1980, you were so discharged.

The Board carefully weighed all potentially mitigating factors in your case, including your desire to upgrade your discharge. The Board considered your contentions that most of the mistakes you made were due to immaturity and that your life has changed since that time. You state you are not the same person now that you were then and you have learned from past errors. You did not understand the severity and consequences of your actions at the time until your early discharge. Additionally, you state you have been clean and sober for the last three years and you humbly apologize for your past behaviors. The Board also noted you are working hard to set things straight in your life.

Unfortunately, after careful consideration of your contentions and applying the liberal consideration standard, the Board did not find evidence of an error or injustice that warrants upgrading your characterization of service or sufficient evidence to warrant clemency.

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,

[REDACTED]
12/18/2020

[REDACTED]
Executive Director

Signed by [REDACTED]