



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

[REDACTED] Docket No: 11751-19

Ref: Signature Date

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 relevant portions of your naval record and your application, 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 5 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 24 May 1990. On 26 May 1992, you reenlisted for a period of six years. On 6 November 2002, you received nonjudicial punishment (NJP) for willfully consuming alcohol which rendered you incapable of driving, drunk and disorderly conduct, and drunkenness/incapacitated to perform your duties. Your fitness report for the period of 16 September 2002 through 31 December 2002, was submitted upon the occasion of your separation from the United States Naval Service, and noted that you elected voluntary separation in lieu of appearing before an administrative separation review board. You were discharged from the Navy on 31 December 2002, on the basis of Misconduct, and received a general characterization of service and a reentry (RE) code of RE-4.

In your application for consideration, you ask that your general discharge be upgraded to an honorable characterization of service. You state that you were dropped from the Seaman to Admiral program in October 2002, following an NJP in which you were railroaded by a Major in the Marine Corps. You state that the Major knew the truth concerning the reason you were sent

to NJP but told all others involved to keep the truth a secret. You assert that the alcohol incident that led to the NJP involved many individuals from the O-6 level and below from various branches of Service who were attending the [REDACTED] at [REDACTED]. You elected to take the blame for the situation, and a few days after the NJP, you decided that you would rather be released from the Navy. You were given a general discharge that you contend should have been an honorable discharge.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, including your contention that you took the blame for an alcohol-related situation involving many individuals at various ranks. The Board also considered that you were on track for continued Naval service at the time of the NJP, and that you believe that your service merits an honorable discharge. The Board reviewed the information reflected in your final fitness report which stated that you had been counseled on several occasions since reporting regarding poor attitude, willful absences, and failure to set a proper leadership example as a Chief Petty Officer participating in the NROTC program. Even in consideration of your statement regarding the circumstances of your NJP, the Board determined there was sufficient information in your record to support the general discharge characterization. The Board found that the information in your fitness report and the guilty finding at NJP supported the general characterization of service you received. The Board concluded that you did not provide sufficient evidence in your application to overcome the NJP and the information in your final fitness report, and that an upgrade 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,

12/13/2020

[REDACTED]
Executive Director

Signed by: [REDACTED]