



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

TJR  
Docket No: 7956-13  
12 September 2014

[REDACTED]

[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.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 26 August 2014. 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, your naval record, and applicable statutes, regulations, and policies.

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.

You reenlisted in the Navy on 4 April 1983 after serving more than four years of prior satisfactory service. You continued to serve without disciplinary incident until 15 September 1983, when you received nonjudicial punishment (NJP) for disrespect, failure to obey a lawful order, two periods of failure to go to your appointed place of duty, and four periods of absence from your appointed place of duty.

During the period from 26 October to 25 November 1983, you were seen by medical officials on six occasions after complaining of ankle pain. You were given medical care and placed on light duty for two weeks after being diagnosed with a sprained ankle. Shortly thereafter, on 30 November 1983, you received NJP for two periods of failure to go to your appointed place of duty.

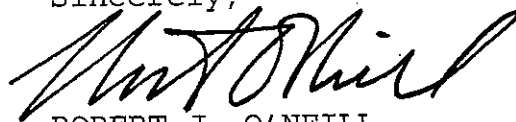
On 16 July 1984, you received your third NJP for failure to obey a lawful order. Subsequently, you were processed for an administrative separation by reason of misconduct due to a pattern or misconduct and frequent involvement of discreditable

nature with military authorities. After waiving your procedural rights, your commanding officer recommended discharge under other than honorable conditions by reason of misconduct due a pattern or misconduct and frequent involvement of discreditable nature with military authorities. On 15 September 1984, the discharge authority approved this recommendation and directed separation under other than honorable conditions by reason of misconduct due to a pattern of misconduct, and on 21 September 1984, you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your prior period of satisfactory service, post service conduct, and desire to upgrade your discharge. Nevertheless, the Board concluded these factors were not sufficient to warrant relief in your case because of the seriousness of your repetitive misconduct which resulted in three NJPs. Further, you were given an opportunity to defend your actions, but waived your procedural rights. Finally, no discharge is automatically upgraded due solely to an individual's good post service conduct or the passage of time. Accordingly, your application has been denied.

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 matter 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,



ROBERT J. O'NEILL  
Executive Director