



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

TJR  
Docket No: 2116-14  
23 March 2015

[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.

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 17 March 2015. 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 enlisted in the Navy and began a period of active duty on 3 June 1981. You served for about a year and two months without disciplinary incident, but during the period from 2 August to 3 November 1982, you received nonjudicial punishment (NJP) on four occasions for three specifications of disobedience, disrespect, two specifications of assault, and failure to obey a lawful order. Shortly thereafter, on 16 November 1982, you were convicted by special court-martial (SPCM) of assault.

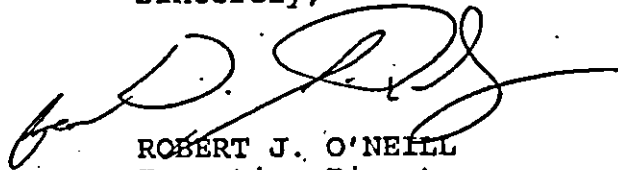
On 16 May 1983, you were referred for a medical/psychiatric evaluation due to your depressive mood. You were diagnosed with an adjustment disorder, borderline personality disorder, hernia, stressors, and highest level of adaptive functioning. At that time you were recommended for an administrative separation and were not recommended for retention or reenlistment.

Subsequently, you were administratively processed for separation by reason of misconduct due to a pattern of misconduct and frequent involvement of a discreditable nature with military authorities. After waiving your procedural rights to consult with legal counsel and to present your case to an administrative discharge board, on 15 August 1983, you were issued an other than honorable discharge by reason of misconduct and assigned an RE-4 reenlistment code.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your desire to upgrade your discharge and change your narrative reason for separation. It also considered your assertions of sexual assault, intimidation, and being forced out of the Navy. 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 four NJPs and SPCM. Regarding your assertions, the Board noted that there is no evidence in the record to substantiate the validity of these actions, and as such, concluded that the severity of your misconduct outweighed the mitigation of these allegations. 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 within one year from the date of the Board's decision. 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