



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

TAL
Docket No: 3822-14
24 April 2015

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552. The application was filed in a timely manner.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 2 April 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 24 June 2003. You served for eight months without disciplinary incident, but during the period of 9 March 2004 to 23 October 2004, you received nonjudicial punishment (NJP) and were arrested by civil authorities. Your offenses were failure to obey a lawful regulation, making a false official statement, driving under the influence of alcohol and resisting arrest.

Subsequently, you were notified of pending administrative separation by reason of misconduct due to a pattern of misconduct at which time you waived your procedural rights to consult with legal counsel and to present your case to an administrative discharge board (ABD). Your commanding officer recommended discharge under other than honorable conditions by reason of misconduct due to a pattern of misconduct. The discharge authority approved this recommendation and directed separation

under other than honorable conditions by reason of misconduct, and assigned an RE-4 reenlistment code. On 19 August 1999, you were so discharged. On 1 March 2013 the Naval Discharge Review Board (NDRB) upgraded the characterization of your discharge to general under honorable conditions base on your post-service documentation.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your post service conduct, desire to upgrade your discharge, narrative reason for separation and reenlistment code for possible reentry into the Navy. Nevertheless, the Board found that these factors were not sufficient to warrant relief in your case because of the seriousness of your misconduct. In making this decision, the Board substantially concurred with NDRB's reasoning when they upgraded your discharge to a General discharge vice Honorable. 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 within one year from the date of the Board's decision. New evidence is evidence not previously considered by the Board prior to making its decision in your case. 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,

A handwritten signature in black ink, appearing to read "R. J. O'Neill", written in a cursive style.

ROBERT J. O'NEILL
Executive Director