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

JDR
Docket No: 3839-14
10 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.

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 8 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, began a period of active duty on 11 December 1984, and satisfactorily served without disciplinary incident for about 14 months. However, during the period from 25 February to 11 April 1996, you received two nonjudicial punishments (NJP) for willfully disobeying a superior commissioned officer, uttering checks without sufficient funds, and failing to pay just debts.

Although the discharge documentation is not in your record, it appears that administrative separation action was initiated by

reason of misconduct due to a pattern of misconduct and on 6 January 1984, you were so discharged.

The Board, in its review of your application and record (although incomplete), carefully weighed all potentially mitigating factors, such as your period of satisfactory service and desire to upgrade your discharge. It also considered your assertion that you were held responsible for your former wife's debt. Nevertheless, based on the information currently contained in your record, the Board concluded these factors were not sufficient to warrant an upgrade of your discharge given your misconduct which resulted in two NJPs. Further, the Board found that your assertion was insufficient to establish the existence of probable material error or injustice. 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,

ROBERT J. O'NEILL
Executive Director