



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

SJN  
Docket No: 517-14  
10 February 2015

(b) (6)

Dear (b) (6)

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 21 January 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 August 1994. On 7 November 1995 and 2 February 1996, you received two nonjudicial punishments (NJPs) for three instances of dereliction of duty, two instances of failing to go to your appointed place of duty, and being incapacitated for the proper performance of duty. Additionally, you were counseled and warned after your first NJP, that further misconduct could result in administrative discharge action. Subsequently, administrative discharge action was initiated by reason of misconduct due to commission of a serious offense. You waived your rights to consult counsel, submit a statement, or have your case heard by an administrative discharge board (ADB). On 12 February 1996,

your case was forwarded to the separation authority, and on 26 March 1996, the separation authority directed that you receive a general discharge by reason of misconduct. You were so discharged on 12 April 1996.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your record of service, post service accomplishments, desire to upgrade your discharge, and assertion that you were dealing with post-traumatic stress disorder (PTSD) while on active duty. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge given your two NJP's for serious offenses. Regarding your assertion that you were suffering from PTSD while on active duty, the Board may only consider assertion of PTSD when an applicant presents clear evidence that the PTSD is service connected and related to the alleged error or injustice. Despite stating that you were dealing with PTSD while on active duty, the Board determined it insufficient to warrant relief since there is no evidence in the record to support your assertion of PTSD. Finally, the Board noted that you were fortunate to receive a general discharge since a discharge under other than honorable conditions is often directed when an individual is discharged for misconduct. 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,

(b) (6)

ROBERT J. O'NEILL  
Executive Director