



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

TLG  
Docket No: 5903-14  
26 May 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.

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 22 May 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 reenlisted in the Navy and began a period of active duty on 29 August 1991. You served for about three months without disciplinary incident, however, on 19 November 1991, you were convicted by summary court-martial (SCM) of larceny and wrongful appropriation.

Subsequently, you were notified of pending administrative separation action by reason of misconduct due to commission of a serious offense. After waiving your procedural rights, your commanding officer recommended an other than honorable discharge by reason of misconduct due to commission of a serious offense. The discharge authority approved this recommendation and directed separation under other than honorable conditions by reason of misconduct, and on 14 January 1992, you were so discharge.

The Board noted that the date entered active duty this period on your certificate of release or discharge from active duty (DD Form 214) is incorrect because you reenlisted to complete your active service obligation on 29 August 1991, as opposed to 19 November 1991. If you would like a corrected certificate, you may contact the Department of the Navy, Navy Personnel Command (BUPERS), Sailor Assistance Center, Code Pers-312F, 5720 Integrity Drive, Millington, TN 38055-3120 to request an administrative change be made to your DD Form 214.

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. Nevertheless, the Board found that these factors were not sufficient to warrant relief given the severity of your misconduct which resulted in a SCM conviction. 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 "Robert J. O'Neill", written in a cursive style.

ROBERT J. O'NEILL  
Executive Director