



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

TJR

Docket No: 9802-14/  
8655-97

25 September 2014

[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.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 24 September 2014. 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 on 21 April 1995 after more than four years of prior satisfactory service. You served for nearly a year without disciplinary incident, but on 15 March and again on 18 June 1996, you received nonjudicial punishment (NJP) for a three day period of unauthorized absence, failure to obey a lawful order, making a false official statement, and disobedience.

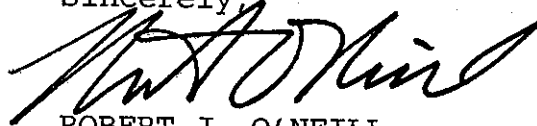
Subsequently, you were processed for an administrative separation by reason of misconduct. After waiving your procedural rights, your commanding officer recommended an honorable discharge by reason of misconduct. The discharge authority approved this recommendation and directed an honorable discharge by reason of misconduct, and on 27 June 1996, you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your prior satisfactory service, post service conduct, and desire to change your narrative reason for separation. 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 two NJPs and discharge. Further, you were given an opportunity to defend your actions, but waived your procedural rights. Finally, Sailors with a record of misconduct, such as yours, would normally receive a discharge under other than honorable conditions, and as such, the Board concluded you were fortunate to have received an honorable characterization of service.

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 cursive script, appearing to read "Robert J. O'Neill".

ROBERT J. O'NEILL  
Executive Director