



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

BAN  
Docket No: 02341-12  
25 March 2013



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 20 March 2013. 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 entered active duty in the Navy on 1 February 1966, and served without disciplinary incident until 25 August 1966, when you received nonjudicial punishment (NJP) for a general order violation. Shortly thereafter, you received the following NJP's: on 9 September 1966, for sleeping on post; and on 7 October 1966 for assault with a deadly weapon. On 31 October 1966, you were convicted at a special court-martial of breaking restriction, unauthorized absence (UA), failing to make restricted men's muster, and using another service member's liberty card. You continued your misconduct with the following NJP's: on 16 May 1967 for failure to go to your appointed place of duty; on 25 May 1967, for failure to go to your appointed place of duty; on 13 September 1967, for assault; on 9 October 1968, for failure to go to your appointed place of duty; on 14 January 1969, for a UA; and on 21 January 1969 for breaking restriction and two

specifications of disobeying a lawful order. You were recommended for separation with an undesirable discharge due to misconduct. You waived your right to counsel and an administrative discharge board (ADB). The separation authority approved the recommendation, and on 7 February 1969, you were separated with an undesirable discharge due to misconduct and an RE-4 (not recommended for retention) reenlistment code.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as claim of health problems due to your service in Vietnam and poor decision making. Nevertheless, the Board concluded these factors were not sufficient to warrant a change to your characterization of service or separation code due to your frequent acts of misconduct. Furthermore, the Board found you waived your right to an ADB, your best opportunity for retention, or a better characterization of service. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

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 or other matter not previously considered by the Board. 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 D. ZSALMAN  
Acting Executive Director