



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

CRS

Docket No: 3296-13

9 April 2014

[REDACTED]

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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.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 26 November 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.

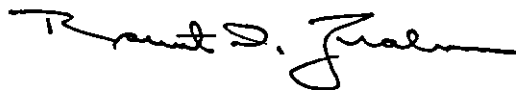
After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Navy on 14 November 1963. On 21 April 1965 a special court-martial convened and found you guilty of contempt and sentenced you to confinement at hard labor for 30 days and forfeiture of \$50.00 per month for two months. On 6 May 1965 a special court-martial convened and found you guilty of absence from your appointed place of duty and willful disobedience of a lawful order and sentenced you to a reduction in rate and a bad conduct discharge (BCD). Thereafter, you were convicted by six summary courts-martial of a violation of a lawful general regulation and willful disobedience of lawful orders on six occasions. You were separated with a BCD on 2 November 1965 after appellate review.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth, overall record of service, and the unsubstantiated contention that your discharge had been previously upgraded. The Board concluded that these factors were insufficient to warrant recharacterization of your service, given the serious and repeated nature of your misconduct, which ultimately resulted in your discharge. Regarding your contention, there is no evidence in your record to support it, and you have provided no such evidence. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished.

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