



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

TAL
Docket No: 5909-13
17 June 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 11 June 2014. 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.

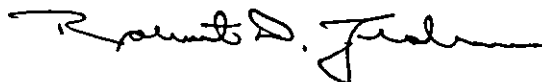
You enlisted in the Navy and began a period of active duty on 27 July 1972 at the age of 18. You received nonjudicial punishment (NJP) on five occasions from 9 November 1973 through 17 October 1974 for three instances of unauthorized absence (UA) for a period totaling 15 days, four instances of failure to obey a lawful order, missing ship's movement, disrespect to a noncommissioned officer, breach of peace and failure to go to your appointed place of duty. After your fourth NJP, you were counseled regarding your misconduct and warned that further offenses could result in administrative separation. On 15 November 1974, you were convicted by summary court-martial (SCM) of failure to go to your appointed place of duty, UA from your unit for a period of four days and improper watch standing. You were notified of pending administrative discharge processing with an undesirable discharge (UD) due to unfitness. You

elected to consult with legal counsel and subsequently requested an administrative discharge board (ADB). You received NJP on two additional occasions for failure to go to your appointed place of duty, UA from your unit for a period of four days, two instances assault, breach of peace, two instances of resisting apprehension and damage to government property. On 15 January 1975, the ADB recommended a UD by reason of unfitness. The separation authority agreed with the finding and recommendation of the ADB and directed your UD due to unfitness, and on 13 February 1975, you were so discharged.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth and overall record of service. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge given the seriousness and repetitiveness of your misconduct that resulted in seven NJPs and one SCM. Finally, there is no provision of law or in Navy regulations that allows for recharacterization of service due to the passage of time or an individual's good behavior after discharge. 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. ZALMAN
Acting Executive Director