



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

TAL
Docket No: 6783-13
24 July 2014



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 16 July 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.

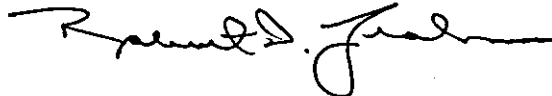
You enlisted in the Navy and began a period of active duty on 22 July 1965 at age 17. On 29 June 1977, you received nonjudicial punishment (NJP) for unauthorized absence (UA) from your unit. On 7 September 1966, you were convicted by summary court-martial (SCM) of UA from your unit for a period totaling 17 days. On 24 September 1966, you received NJP for failure to go to your appointed place of duty. On 7 June 1967 you were convicted by special court-marital (SPCM) of three instances of UA from your unit for a period totaling 20 days and missing ship's movement. The sentence imposed was confinement, forfeiture of pay and reduction in paygrade. On 6 December 1967, you were again convicted by SPCM of UA from your unit for a period totaling 41 days and breaking restriction. The sentence imposed was a forfeiture of pay, confinement and a bad conduct discharge (BCD). On 26 March 1968, you received NJP for

UA from your unit for a period of five hours and altering an Armed Forces identification card. On 23 May 1968, you received the BCD after appellate review was complete.

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 found that these factors were not sufficient to warrant recharacterization of your discharge given the seriousness of your misconduct that resulted in three NJPs, an SCM and two SPCMs. Finally, there is no provision of law or in Navy regulations that allows for recharacterization of service due solely to the passage of time. 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