



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

TJR
Docket No: 67-14
24 November 2014

[REDACTED]

Dear [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 19 November 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 enlisted in the Navy and began a period of active duty on 29 November 1971. You served without disciplinary incident until 18 April 1973, when you were convicted by special court-martial (SPCM) of four periods of unauthorized absence (UA) totalling 44 days, missing the movement of your ship, and two specifications of failure to obey a lawful order. You were sentenced to confinement at hard labor for four months, an \$800 forfeiture of pay, reduction to paygrade E-1, and a bad conduct discharge (BCD). The BCD was suspended for one year.

On 30 March 1974 you received nonjudicial punishment (NJP) for a 42 day period of UA and missing the movement of your ship. As a result, on 17 May 1974, the suspended BCD was remitted. On 10 October 1974, the discharge authority directed execution of the BCD after approval at all levels of review. On 31 October 1974 you were so discharged.

Your record reflects that on 17 May 1976, in accordance with a recommendation of the Presidential Clemency Board, your BCD was changed and you were awarded a clemency discharge pursuant to Presidential Proclamation 4313.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your desire to upgrade your discharge and assertion that your punishment was excessive. Nevertheless, these factors were not sufficient to warrant relief in your case because of the seriousness of your repetitive and lengthy periods of UA which resulted in NJP and a court-martial conviction. Further, the Board noted that the BCD was changed to a clemency discharge, but concluded that a further change was not warranted. Finally, there is no evidence in the record, and you submitted none, to support your assertion. Accordingly, your application has been denied.

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 J. O'NEILL
Executive Director