



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

TLG
Docket No: 5108-14
14 May 2015

[REDACTED]

Dear [REDACTED]

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. The application was filed in a timely manner.

Although your application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider your application on its merits. A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 8 May 2015. 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, began a period of active duty on 28 August 1964, and served for about seven months without disciplinary incidents. However, during the period from 8 March 1965 to 1 April 1967, you received nonjudicial punishment (NJP) on three occasions and were convicted by civil authorities. Your offenses were drinking as a minor, drunk driving, drunk and disorderly conduct, and a three day period of unauthorized

absence (UA). During the period from 3 January to 10 September 1968, you received NJP and were convicted by summary court-martial (SCM) and special court-martial (SPCM) of three periods of UA totalling 81 days and breaking restriction.

On 22 May 1969, you were convicted by SPCM of a 79 day period of UA and sentenced to a \$97 forfeiture of pay, reduction to paygrade E-1, confinement for a month, and a bad conduct discharge (BCD). On 16 October 1969, you were again convicted by SPCM of a 41 day period of UA, and on 2 January 1970, you received your fifth NJP for a 23 day period of UA. Subsequently the BCD was approved at all levels of review, and on 2 February 1970, you were so discharged.

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. Nevertheless, the Board concluded these factors were not sufficient to warrant relief in your case because of the seriousness of your misconduct in both the military and civilian communities and especially given your repetitive and lengthy periods of UA which resulted in four court-martial convictions and a BCD. 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 within one year from the date of the Board's decision. New evidence is evidence not previously considered by the Board prior to making its decision in your case. 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