



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

JDR
Docket No: 5277-14
1 June 2015

[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 15 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 February 1974, and served without disciplinary incident for about 10 months. However, on 26 December 1974, you received nonjudicial punishment (NJP) for 33 days of unauthorized absence (UA).

Your record shows that, on 25 September 1974, you were diagnosed as having an immature personality with aggressive features and a tendency to project problems onto others. Subsequently, a medical board was held on 27 January 1975, and recommended you for separation by reason of unsuitability.

Although the discharge documentation is not in your record, it appears that the medical board's recommendation was approved

because the separation authority directed a general discharge by reason of a physical disability that existed prior to entry on active duty. On 6 March 1975, you were so discharged.

The Board, in its review of your application and record (although incomplete), carefully weighed all potentially mitigating factors, such as your record of service and desire to upgrade your discharge. It also considered your post service conduct and assertion that your medical condition should have been considered at the time of discharge. Nevertheless, based on the information currently contained in your record, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge, given your substandard performance and the seriousness of your misconduct, which resulted in NJP. Finally, with regard to your assertion, the Board noted that despite your medical condition, your performance was substandard and you were unresponsive to the leadership and support of your superiors and therefore, your characterization of service could have been the same. 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 within one year from the date of the Board's decision. 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