



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

TJR
Docket No: 657-14
29 January 2015



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 21 January 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 and began a period of active duty on 20 March 1972. Less than three months later, during the period from 20 June to 21 August 1972, you received nonjudicial punishment (NJP) on three occasions for disrespect, absence from your appointed place of duty, failure to go to your appointed place of duty, breaking restriction, and larceny of \$135 from a fellow shipmate.

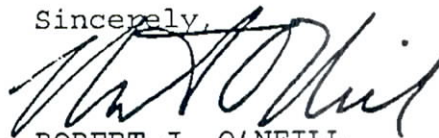
On 7 March 1973 you were referred for a psychiatric evaluation at which time you were assessed with a severe immature personality and drug abuse as evidenced by your wrongful use of marijuana and lysergic acid diethylamide (LSD). You were found to be free from mental disease and/or disorder and recommended for an immediate administrative separation. About a month later, on 4 April 1973, you were convicted by special court-martial (SPCM) of failure to obey a lawful order, larceny, wrongful appropriation of a \$1,800 automobile, escaping custody, failure to go to your appointed place of duty, and two periods of unauthorized absence (UA) totalling 17 days. You were sentenced to confinement for six

months, a \$1,020 forfeiture of pay, and a bad conduct discharge (BCD). On 17 July 1973, you submitted a written request for immediate execution of the BCD, stating in part, that you were sick of and could not make it in the service. Subsequently, the BCD was approved at all levels of review and on 20 June 1974, you were 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, youth, and assertions of a mental illness while serving in the Navy and being awarded a Good Conduct Medal (GCM). Nevertheless, the Board concluded these factors were not sufficient to warrant relief in your case because of the seriousness of your repetitive misconduct, which included drug use/abuse. Regarding your assertion of being awarded a GCM, be advised that The notation on your Certificate of Discharge or Release from Active Duty (DD Form 214), does not show that you received a GCM, but only states the starting date for the next period for the award. Finally, the record reflects that you were free from any mental disease and/or disorder, which is contrary to your assertion of suffering from a mental illness while serving on active duty. 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