



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

JDR
Docket No: 7097-14
5 August 2015

5 U.S.C 552(b) (6)

Dear 5 U.S.C 552(b) (6)

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.

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 23 June 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 13 October 1966, and served without disciplinary incident for about one year and 10 months. However, on 4 September 1968 and 25 October 1968, you received a civil conviction and nonjudicial punishment (NJP) for being drunk and disorderly, assault, resisting arrest, being drunk in public while in uniform, improper wear of your uniform, and being disrespectful in language. On 30 April 1969, you were convicted at a summary court-martial (SCM) of assault and battery, provoking speech, and being drunk and disorderly. You received a second drunk and disorderly civil conviction on 26 May 1969. During the period

from 27 May 1969 to 19 May 1970, you received four more NJPs for unauthorized absence, being disrespectful in language and gesture, and wearing improper insignia. On 24 June 1969, you were counseled and advised that due to frequent involvement of a discreditable nature with military authorities, you were being considered for processing from the naval service by reason of unfitness. However, on 27 July 1970, you were released from active duty under honorable conditions. On 19 June 1972, upon completion of your military obligation, you received a general discharge.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your record of service, to include your post-service accomplishments, desire to upgrade your discharge, and your assertion that the Navy discharged you without treating you for alcohol dependency. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge given the seriousness of your misconduct which resulted in two civil convictions, five NJPs and a SCM conviction. Further, with regard to your assertion, alcohol abuse does not excuse your misconduct or failure to adhere to Navy regulations. In this regard, the Board noted that you were fortunate to receive a general discharge. Finally, the Board believed that considerable clemency was extended to you when you were allowed to complete your military obligation since a discharge under other than honorable conditions is often directed when an individual has repeated misconduct. 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,

5 U.S.C 552(b) (6)

ROBERT J. O'NEILL
Executive Director