



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

TJR
Docket No: 7997-14
27 March 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.

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 17 March 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 27 May 1975. You served without disciplinary infraction for about a year and two months. However, during the period from 29 July 1976 to 22 March 1978, you were in an unauthorized absence (UA) status on seven occasions. As a result, on 7 August 1978, you were convicted by special court-martial (SPCM) of seven periods of UA totalling 382 days, and sentenced to a bad conduct discharge (BCD). Subsequently, the BCD was approved at all levels of review and on 31 August 1978, you were so discharged.

The Board, in its review of your record, although incomplete, and application, carefully weighed all potentially mitigating factors, such as your desire to upgrade your discharge so that you may seek employment as a security guard and assertion of receiving improper legal counsel. It also considered the character reference letters provided in support of your request. Nevertheless, the Board concluded these factors were not

sufficient to warrant recharacterization of your discharge because of the seriousness of your repeated and lengthy periods of UA, which resulted in your 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 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,

A handwritten signature in black ink, appearing to read "Robert J. O'Neill", written in a cursive style.

ROBERT J. O'NEILL
Executive Director