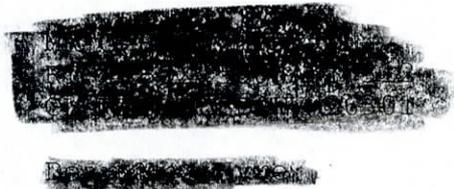




DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

SJN
Docket No: 10041-09
11 May 2010



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.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 7 May 2010. 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.

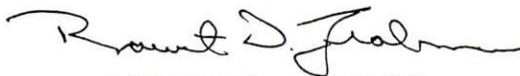
Following a thorough review of your naval record the Board found that you received two nonjudicial punishments (NJP's) for disobedience and possession of another's identification card. You were convicted by summary court-martial (SCM) of dereliction of duty (sleeping on watch), and convicted by special court-martial (SPCM) of six instances of unauthorized absence, missing movement, and breaking restriction on four occasions. As a result, you received a bad conduct discharge on 6 July 1967 after appellate review was completed.

The Board, in its review of your record and application, carefully weighed all potentially mitigating factors, such as your youth, service in Vietnam, post service accomplishments, desire to upgrade your discharge, and belief that could get your character of service upgraded after a period of time. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge given your two NJP's and conviction by SCM and SPCM for serious

misconduct. Further, you are advised that there is no provision of law or in Navy regulations that allow for recharacterization automatically or due solely to the passage of time. 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. 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 cursive script, appearing to read "Robert D. Zsalmán".

ROBERT D. ZSALMAN
Acting Executive Director