



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

REC  
Docket No: 01092-12  
25 October 2012

[REDACTED]

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 24 October 2012. 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 on 14 September 1962, at age 17. On 9 September 1963, you received nonjudicial punishment (NJP) for being in an unauthorized absence (UA) status for over 13 hours. On 20 September 1963, you were convicted by the Municipal Court in Lakewood, New Jersey, of disorderly conduct. You were sentenced to a fine of \$150, and 30 days confinement. On 13 December 1963, you were convicted by a special court-martial (SPCM) of assault. You were sentenced to a forfeiture of \$30, and confinement at hard labor for 30 days. On 15 October 1965, you were convicted by a SPCM of being UA for 113 days. You were sentenced to a forfeiture of \$250, reduction in pay grade, and

confinement at hard labor for five months. On 4 December 1964, you were convicted by the Providence, Rhode Island, District Court of carrying a concealed weapon. You were sentenced to a fine of \$33.50. On 23 December 1964, you received NJP for being UA on two occasions, violating of a command instruction, and resisting apprehension. On 23 and 24 April 1965, you were convicted by the District Court in Providence, Rhode Island, of drunkenness, and carrying a concealed weapon. You were sentenced to a fine and required to pay bail of \$500. On 10 May 1965, you commenced a period of UA which lasted 10 days when you were apprehended. On 30 August 1965, you were convicted by the Jefferson County Court in Birmingham, Alabama, of burglary. You were sentenced to confinement for one year, which was suspended, and placed on probation for two years. On 26 October 1965, a Field Board conducted a review of your record and recommended that you be administratively separated. On 10 November 1965, you were advised that your commanding officer was recommending you for administrative separation with an undesirable discharge (UD) due to misconduct. You waived all of your procedural rights, including your right to an administrative discharge board (ADB). On 28 December 1965, your commanding officer forwarded his recommendation that you be discharged with a UD characterization of service by reason of misconduct - frequent involvement. On 11 January 1966, the discharge authority directed a UD discharge by reason of misconduct (frequent involvement. On 7 February 1966, you were so discharged.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth, conduct, and overall record of service. Nevertheless, the Board found that these factors were not sufficient to warrant changing the characterization of your discharge, given your record of two NJP's, five civil convictions, and convictions by two SPCM's, of misconduct. The Board also noted that you waived the right to an ADB, your best opportunity for retention or a better characterization of service. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

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