



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

TAL
Docket No: 5436-12
22 March 2013

[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 20 March 2013. 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.

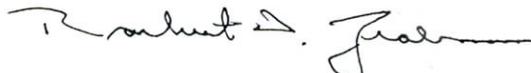
You enlisted in the Navy and began a period of active duty on 22 July 1959 at the age of 19. You received nonjudicial punishment (NJP) on four occasions for disobeying a lawful order, absence from your appointed place of duty, two instances of unauthorized absence (UA) from your unit and missing ship's movement. You were convicted by summary court-martial (SCM) on two occasions of UA from your unit. In spite of repeated counseling, you contracted preventable venereal disease on four occasions. You were notified of pending administrative discharge processing with an undesirable discharge (UD) due to unfitness. You elected to consult with legal counsel and subsequently requested an administrative discharge board (ADB). On 6 December 1962, the ADB recommended the UD. The commanding officer concurred with the ADB's findings and forwarded his recommendation that you be discharged. The separation authority

agreed with the finding and recommendation of the ADB, and directed a UD by reason of unfitness. On 17 November 1955 you were so discharged. On 17 October 1984 this Board upgraded the characterization of your discharge to general under honorable conditions based on then current discharge regulations.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth, and overall record of service. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge given the seriousness and repetitiveness of your misconduct that resulted in four NJPs, two SCMs, and continued unclean habits. 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,



ROBERT D. ZSALMAN
Acting Executive Director