



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

TJR  
Docket No: 2620-13  
19 February 2014

[REDACTED]

[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.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 19 February 2014. 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.

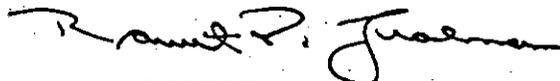
You enlisted in the Navy and began a period of active duty on 17 September 1965. You served for about seven months without disciplinary incident, but on 28 April and again on 31 August 1966, you received nonjudicial punishment (NJP) for two periods of absence from your appointed place of duty.

On 12 September 1967 you were convicted by special court-martial (SPCM) of a 33 day period of unauthorized absence (UA) and missing the movement of your ship. You were again convicted by SPCM on 8 April 1968 for breaking restriction, absence from your appointed place of duty, and four periods of UA totalling 159 days. You were sentenced to confinement at hard labor for five months, a \$450 forfeiture of pay, and a bad conduct discharge (BCD). On 11 February 1969 you submitted a written request for immediate execution of the BCD, stating in part, that you did not care to return to active duty because you did not foresee a future in the Navy. The BCD was subsequently approved at all levels of review, and on 7 March 1969 you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your desire to upgrade your discharge, service in Vietnam, and post service conduct. It also considered your assertion that the death of your brother and serving in Vietnam contributed significantly to your misconduct. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of the seriousness of your repetitive misconduct which resulted in two NJPs, two SPCMs, and your request for immediate execution of the 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. 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