



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

TAL
Docket No: 2801-13
21 February 2014

[REDACTED]

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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 12 February 2014. 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.

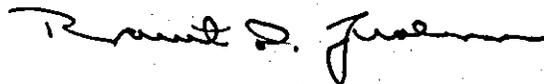
You enlisted in the Navy and began a period of active duty on 29 June 1976 at age 17. On 2 March 1977, you received nonjudicial punishment (NJP) for unauthorized absence (UA) from your unit for a period of eight days. On 7 July 1977, you were apprehended by Italian civil authorities, charged with assaulting a prostitute with a knife and placed in pretrial confinement. On 24 November 1977, you signed an agreement to trial in absentia and were transferred back to the United States. On 29 December 1977, you were discharged by reason of convenience of the government. You were discharged under honorable conditions based on your conduct mark average.

Characterization of service is based in part on conduct and proficiency averages computed from marks assigned on a periodic basis. Your conduct average was 2.6. At the time of your service, a conduct average of 4.0 was required for a fully honorable characterization of service.

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 upgrading your discharge given your misconduct that resulted in an NJP, civil charges in Italy and failure to attain the required average in conduct. Finally, there is no provision of law or in Navy regulations that allows for recharacterization of service due solely to the passage of time. The Board believed you were fortunate to receive a general characterization of service, since Sailors who have committed misconduct normally receive other than honorable discharges. 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