



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

TAL
Docket No: 3849-13
19 March 2014



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 12 March 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 that 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 7 June 1972 at age 17. On 22 June 1972, you received nonjudicial punishment (NJP) for unauthorized absence (UA) from your unit for one day and wrongful appropriation of a class ring, the property of another recruit. On 28 July 1972, you were in a UA status from your unit until you surrendered on 2 August 1972, a period of seven days. On 30 October 1972, you were in hands of civil authority. On 1 December 1972, you were convicted of interstate transportation of a stolen car and forgery. You were adjudged to be a juvenile delinquent, and put in the custody of the Attorney General to serve a term in the Federal Youth Center until 6 June 1976. You were notified of

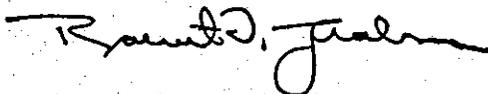
pending administrative discharge processing with a general characterization due to misconduct. You waived all of your procedural rights. On 5 June 1973, you received the general under honorable conditions discharge for misconduct in absentia.

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 found that these factors were not sufficient to warrant recharacterization of your discharge given the seriousness of your misconduct that resulted in an NJP and a civil conviction. The Board also believed that you were fortunate to receive a general discharge since a characterization under other than honorable conditions is often directed when a Sailor is administratively separated for misconduct. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

The Board recommended that you should contact the Department of the Navy, Navy Personnel Command (BUPERS), Code Pers-3C, 5720 Integrity Drive, Millington, TN 38055-3120 to request the administrative corrections be made to your Certificate of Discharge or Release from Active Duty (DD Form 214) such as, but not inclusive of, your date of birth, social security number, or record of service.

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