



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

TJR
Docket No: 4550-13
29 April 2014

[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 15 April 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 reenlisted in the Navy on 18 August 1976 after two years of prior satisfactory service. You continued to serve for nearly two years without disciplinary incident, but on 30 June 1978, you received nonjudicial punishment (NJP) for a 68 day period of unauthorized absence (UA).

On 10 July 1978 you were referred for a psychiatric evaluation. The report stated, in part, that you were exhibiting moderate distress, extremely hysterical, labile affect, and were irritable. You were diagnosed with an explosive and antisocial personality and recommended for an administrative separation.

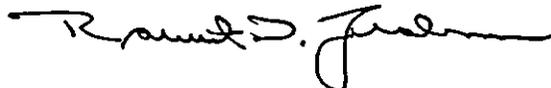
During the period from 5 September 1978 to 14 January 1981 you were in a UA status, declared a deserter, apprehended by civil authorities on charges of attempted robbery, and placed on legal hold pending disciplinary action. In this regard, on 12 March 1981, you were convicted by special court-martial (SPCM) of two

periods of UA totalling 642 days. You were sentenced to confinement at hard labor for 60 days, a \$660 forfeiture of pay, reduction to paygrade E-1, and a bad conduct discharge (BCD). The BCD was subsequently approved at all levels of review, and on 19 April 1982, 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 and assertion that you were to receive a medical discharge due to your mental condition. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of the seriousness of your repetitive and lengthy periods of UA and misconduct in both the military and civilian communities. Further, there is no evidence in the record, and you submitted none, to support your assertion. 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