



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

TJR  
Docket No: 5245-13  
21 May 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 14 May 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 2 May 1969. You served for about three months without disciplinary incident, but on 4 August 1969, you received nonjudicial punishment (NJP) for a one day period of unauthorized absence (UA).

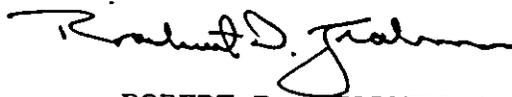
On 4 February 1970 you received NJP for failure to obey a lawful order and dereliction of duty. Shortly thereafter, on 10 February 1970 you were convicted by summary court-martial (SCM) of a five day period of UA and missing the movement of your ship. On 4 March 1970 you were convicted by special court-martial (SPCM) of a one day period of UA, assault, breaking restriction, and wrongful possession of a false pass.

On 7 June 1971 you were again convicted by SPCM of a 177 day period of UA and were sentenced to confinement at hard labor for two months, a \$180 forfeiture of pay, and a bad conduct discharge (BCD). The BCD was subsequently approved at all levels of review, and on 3 March 1972, 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 explanation for your periods of UA. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of the seriousness of your misconduct and lengthy periods of UA. 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