



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

TJR  
Docket No: 6929-13  
31 July 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 29 July 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.

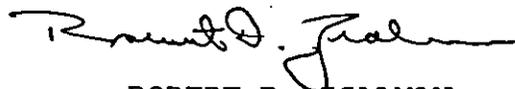
You enlisted in the Navy and began a period of active duty on 31 August 1973. You served for about 10 months without disciplinary incident, but during the period from 19 June to 16 October 1974, you received nonjudicial punishment (NJP) on four occasions for two periods of unauthorized absence (UA) totalling 26 days, missing muster, disrespect, disobedience, making false official statements, breaking restriction, and absence from your appointed place of duty.

Subsequently, in November 1974, you were administratively processed for separation by reason of unfitness due to frequent involvement of a discreditable nature with military authorities. After waiving your procedural rights, your commanding officer recommended discharge under honorable conditions by reason of unfitness due to frequent involvement of a discreditable nature with military authorities. The discharge authority approved this recommendation and directed a general discharge by reason of unfitness, and on 12 December 1974, 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 of not having problems and not committing misconduct. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your general discharge because of the seriousness of your repeated misconduct which resulted in four NTPs. The Board noted that you were given an opportunity to defend your actions, but waived your procedural rights. Further, Sailors with a record of misconduct, such as yours, would normally receive a discharge under other than honorable conditions, and as such, the Board concluded that you were fortunate to have received a general discharge. Finally, there is evidence in the record that is contrary to your assertion of not having problems and not committing misconduct. 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