



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

TJR  
Docket No: 7898-13  
12 September 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 26 August 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 1 August 1972. You served without disciplinary infraction until 16 September 1972, when you began a period of unauthorized absence (UA) that was not terminated until you were apprehended by civil authorities on 27 November 1972. On 2 December 1972 you began another period of UA that was not terminated until 7 June 1973 when you were again apprehended by civil authorities. During these two periods of UA totalling 262 days you were also declared a deserter. Nonetheless, the record does not reflect the punishment imposed, if any, for these periods of UA.

During the period from 20 August 1973 to 1 January 1981 you were again UA on two more occasions and declared a deserter. As a result, on 17 July 1981, you were convicted by general court-martial (GCM) of two periods of UA totalling 2,783 days. You were sentenced to confinement at hard labor for six months, forfeiture of all pay and allowances, and a bad conduct discharge (BCD). Subsequently, the BCD was approved at all levels of review and on 6 August 1981 you were discharged.

The Board, in its review of your entire record and application carefully weighed all potentially mitigating factors, such as your post service conduct and desire to upgrade your discharge. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of the seriousness of your repeated and lengthy periods of UA which resulted in a GCM and your BCD. Finally, no discharge is automatically upgraded due solely to an individual's good post service conduct or the passage of time. 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 J. O'NEILL  
Executive Director