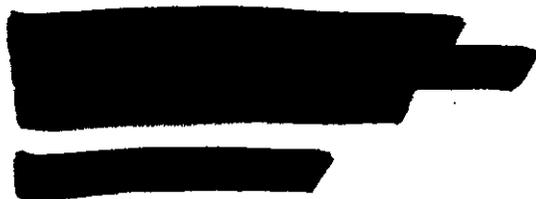




DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
701 S. COURTHOUSE ROAD, SUITE 1001

TAL  
Docket No: 8150-13  
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 5 September 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 the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You reenlisted in the Navy on 19 December 1973 after more than two years of prior honorable service. On 2 April 1974, you received nonjudicial punishment (NJP) for failure to go to your appointed place of duty. On 4 April 1974, you were counseled regarding your obligation to pay your just debts and warned that further offenses could result in administrative separation. On 20 December 1974, you received NJP for two instances of failure to go to your appointed place of duty. On 31 December 1974 you were again counseled for failure to pay support to your dependents. You were notified of pending administrative discharge processing due to unfitness (indebtedness). You elected to consult with legal counsel and subsequently requested an administrative discharge board (ADB). On 13 January 1975, the ADB found that you committed misconduct and recommended that you be separated with a general discharge. The separation

authority concurred with the recommendation of the ADB, and directed your commanding officer to issue you a general discharge by reason of unfitness (indebtedness-failure to pay just debts) and on 3 February 1975, you were so discharged.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your prior honorable service. Nevertheless, the Board found that these factors were not sufficient to warrant recharacterization of your discharge due to the seriousness of your misconduct that resulted in two NJPs and non-support of your dependents. 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 separated for unfitness. Concerning your assertion that you were discharged due to racial prejudice, you did not supply any evidence to support it and the Board found no such evidence in your service record. Finally, there is no provision of law or in Navy regulations that allows for recharacterization of service due solely to the passage of time. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

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,

A handwritten signature in black ink, appearing to read "Robert J. O'Neill", written in a cursive style.

ROBERT J. O'NEILL  
Executive Director