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

EGA
Docket No: 0753-14
22 January 2015

5 U.S.C 552(b) (6)

Dear Mr. 5 U.S.C 552(b) (6)

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 21 January 2015. 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 4 January 1977. You served for a year and three months without disciplinary incident, but during the period from 13 April to 14 September 1978, you received nonjudicial punishment (NJP) on four occasions for sleeping on post, stealing a blue working jacket, failure to obey a lawful order, absence from your appointed place of duty, missing movement of your ship, and wrongful possession and use of marijuana. On 10 March 1982, you were convicted by special court-martial (SPCM) of three specifications of unauthorized absence. You were sentenced to confinement at hard labor for 55 days, forfeiture of $975.00, reduction to paygrade E-1, and a bad conduct discharge.

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, post service psychological evaluation, and the statements you submitted in support of your request. Nevertheless, the Board concluded these factors were not sufficient to warrant relief in your case, given your conviction and pattern of misconduct while serving on active duty. 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 within one year from the date of the Board's decision. 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,

5 U.S.C 552(b) (6)

ROBERT J. O'NEILL
Executive Director