



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

TJR
Docket No: 6427-14/
11094-89
7 November 2014

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

Dear 5 U.S.C.

This is in reference to your application for correction of your late husband's 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 28 October 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 husband's 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.

Your husband enlisted in the Navy and began a period of active duty on 21 January 1963. He served for nine months without disciplinary incident, but during the period from 10 September 1963 to 8 June 1967, he received nonjudicial punishment (NJP) on three occasions and was convicted by special court-martial (SPCM) on two occasions. His offenses were being absent from his appointed place of duty, failure to obey a lawful order, disrespect, disobedience, and two periods of unauthorized absence (UA) totalling 131 days. He was also UA on another occasions for 17 days for which he did not receive disciplinary action. Subsequently, he was processed for separation by reason of misconduct due to frequent involvement of a discreditable nature with military authorities. The discharge authority directed an undesirable discharge by reason of misconduct, and on 27 November 1967, he was so separated.

The Board, in its review of your husband's entire record and your application carefully weighed all potentially mitigating factors, such as your desire to upgrade his discharge because you believe

because you believe that he was suffering with post-traumatic stress disorder. It also considered the documentation you provided in support of your request. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your husband's discharge because of his repeated misconduct and lengthy periods of UA which resulted in five punitive actions. Finally, there is no evidence in the record, and your submitted none to support your belief. 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,

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

ROBERT J. O'NEILL
Executive Director