



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

MTN  
Docket No: 7934-14  
3 August 2015

Dear **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 of the United States Code, section 1552.

Although your application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider your application on its merits. A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 21 July 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 reenlisted in the Navy on 20 November 1974, after serving over two years of satisfactory service. During the period from 19 February 1975 to 22 May 1978, you received five nonjudicial punishments (NJP) for five periods of unauthorized absence (UA). On 18 October 1979, you were convicted by summary court-martial (SCM) for UA totaling 288 days. Subsequently, your commanding officer initiated administrative discharge action by reason of misconduct due to frequent involvement of a discreditable nature

with military authorities. On 19 October 1979, you waived your rights to consult with counsel and an administrative discharge board. The separation authority directed a general under honorable conditions discharge and you were so discharged on 29 October 1979.

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. Nevertheless, the Board concluded the factors were not sufficient to warrant recharacterization of your discharge given your five NJPs and SCM. The Board concluded that the severity of the repeated and lengthy periods of UA outweighed your desire to upgrade your discharge. Accordingly, your application has been denied.

Further, no discharge is automatically upgraded due to the passage of time or an individual's good behavior after discharge.

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 within one year from the date of the Board's decision. New evidence is evidence not previously considered by the Board prior to making its decision in your case. 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