



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

SJN  
Docket No: 8528-14  
24 July 2015

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

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 20 July 2015. 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 December 1962. During the period from 11 April 1963 to 3 August 1965, you received two nonjudicial punishments (NJP's) for unauthorized absence (UA) and disobedience, were convicted by two summary courts-martial (SCM) of UA, failing to go to your appointed place of duty, disobedience, and sleeping on watch, and convicted by special court-martial (SPCM) of dereliction of duty. On 27 December 1965, you were diagnosed by medical personnel as having an emotionally unstable character disorder. Subsequently, administrative discharge action was initiated by reason of unsuitability due to the diagnosed disorder. After being afforded all of your procedural rights you received a general discharged on 2 February 1966.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your record of service, the reason for your discharge, and desire to change your characterization of service. Nevertheless, the Board concluded these factors were not sufficient to warrant changing your discharge given the seriousness of your misconduct which resulted in two NJP's, two SCM's, conviction by SPCM, and fact that you were diagnosed with an emotionally unstable character disorder. 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 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