



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

BC
Docket No: 06484-14
20 October 2014

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

Subj: REVIEW NAVAL RECORD OF [REDACTED]

Ref: (a) 10 U.S.C. 1552

Encl: (1) DD Form 149 with attachments
(2) Case summary
(3) Subject's naval record

1. Pursuant to the provisions of reference (a), Petitioner, an enlisted member of the United States Navy, filed enclosure (1) with this Board requesting, in effect, that the Record of Unauthorized Absence (NAVPERS 1070/606) dated 14 October 2003 be removed from his record.

2. The Board, consisting of Mr. Clemmons, Mr. Ivins, and Ms. Tollefson, reviewed Petitioner's allegations of error and injustice on 16 October 2014 and, pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. Although enclosure (1) was not filed in a timely manner, it is in the interest of justice to waive the statute of limitations and review the application on its merits.

c. Petitioner enlisted in the Navy on 9 July 2002. On 12 October 2003, while on liberty, he was stabbed in the back, taken to the hospital for immediate surgery, and was unconscious until 14 October 2003. Once he regained consciousness, he immediately informed the hospital staff to contact his command. Nevertheless, the command generated a Record of Unauthorized Absence (NAVPERS 1070/606) for the two days he was absent from the command.

d. Petitioner was not the subject of any military disciplinary actions and his record does not reflect any derogatory material other than the erroneously filed record of unauthorized absence. In this regard, he asserts that the NAVPERS 1070/606 is inhibiting his selection for promotion.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner's request warrants favorable action. In this regard, the Board notes that Petitioner's record warrants removal of the record of UA since the NAVPERS 1070/606 was erroneously filed. Accordingly, it finds it to be in the interest of justice to grant his request.

RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that he was not in a UA status from 12 to 14 October 2003, and removal of the Record of Unauthorized Absence (NAVPERS 1070/606) from his record.

b. That a copy of this report of proceedings be filed in his record.

4. Pursuant to Section 6(c) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(c) it is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.


T.J. REED
Recorder

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulation, Section 723.6(e))

and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.

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

ROBERT J. O'NEILL
Executive Director