



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

[REDACTED]  
Docket No: 6564-16

NOV 07 2017

[REDACTED]  
Dear [REDACTED]

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 22 August 2017. 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, relevant portions of your naval record and applicable statutes, regulations and policies.

Regarding your request for a personal appearance, the Board determined that a personal appearance with or without counsel will not materially add to their understanding of the issues involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

You enlisted in the Navy on 26 July 1965. During the period from 19 May 1966 to 15 July 1970, you received five nonjudicial punishments (NJP) for unauthorized absence (UA) on five separate occasions totaling 25 days and underage drinking. You were also convicted by summary court martial (SCM) of UA for 27 days and missing ship's movement. On 10 March 1970, you were convicted by special court martial (SPCM) of being UA for 80 days. As a result of the forgoing, on 15 July 1970, your enlistment was extended until 16 April 1971. On 19 November 1970, you were convicted by a special court-martial (SPCM) of being UA for 87 days. You were sentenced to forfeitures of pay, confinement for 45 days, and a bad conduct discharge (BCD). After the BCD was approved at all levels of review, on 31 March 1971, you were discharged.

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.

The Board carefully weighed all potentially mitigating factors such as, your desire to upgrade your discharge and contention that you received a BCD due to alcoholism and being involuntarily extended in the Navy. However, the Board found that these factors were not sufficient to warrant relief given your misconduct and courts-martial convictions. In regard to your contention, the Board did not find evidence of an error or injustice that warrants changing the discharge you received. Finally, the Board also noted that your SPCM held you accountable for your actions and assigned the most appropriate characterization of service based on your situation and misconduct. Accordingly, your application has been denied.

It is regretted that the circumstances of your case are such that favorable action cannot be taken at this time. You are entitled to have the Board reconsider its decision upon the submission of new and material evidence. New evidence is evidence 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,

A large black rectangular redaction box covering the signature of the Executive Director.

Executive Director