



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

[REDACTED]
Docket No: 6742-16
NOV 01 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 16 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.

You enlisted in the Navy and began a period of active duty on 12 June 1973. You served for a year and two months without disciplinary incident, but during the period from 15 August 1974 to 6 October 1976, you received nonjudicial punishment (NJP) on five occasions and were convicted by summary court-martial (SCM). Your offenses were wrongful possession of marijuana, failure to obey a lawful written order, absence from your appointed place of duty, operating a motor vehicle while in a restricted status, and unauthorized absence (UA) from your unit for six days. Characterization of service is based in part on conduct and proficiency averages computed from marks assigned on a periodic basis. Your conduct average was 2.8. At the time of your service, a conduct average of 3.0 was required for a fully honorable characterization of service. You remained on active duty until 22 June 1977 when you were released with a general under honorable conditions characterization of service and transferred to the Naval Reserve.

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 and your contention that your characterization has been changed. The Board noted that there is no evidence in your record, and you submitted none to support your contention of a characterization change. The Board reviewed your petition and found that the evidence was not sufficient to warrant relief in your case because of the seriousness of your repeated misconduct that resulted in five NJPs, an SCM and failure to attain the required average in conduct. Accordingly, your application has been denied.

In regard to your request for a copy of your Certificate of Release or Discharge from Active Duty (DD Form 214), the Board noted that you should contact the Department of the Navy, Navy Personnel Command (BUPERS), Sailor Assistance Center, Code Pers-312F, 5720 Integrity Drive, Millington, TN 38055-3120 to request a copy of your DD Form 214.

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,

[REDACTED]

Executive Director