



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

[REDACTED]  
Docket No: 7444-16

NOV 06 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 6 September 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 10 August 1962. You served for eight months without disciplinary incident, but on 1 April 1963, you were convicted by special court-martial (SPCM) of unauthorized absence (UA) from your unit for a period totaling 39 days, failure to obey a lawful order and for escaping arrest. Seven months later on 7 November 1973, you were convicted by SPCM of UA from your unit for periods totaling 88 days and failure to obey a lawful order. The sentence imposed was confinement at hard labor, a forfeiture of pay and a bad conduct discharge (BCD) and were discharged on 11 February 1964.

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, it has been 53 years of wearing on your mind, you served your time, and lived as an outstanding American ever since and your contention that at age 17 you could not adapt to military life. The Board concluded these factors were not sufficient to warrant relief in your case because of the seriousness of your misconduct that resulted in, two SPCMs, and periods of UA totaling over four month. 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,

  
Executive Director