



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

[REDACTED]  
Docket No: 7647-16

NOV 15 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 26 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.

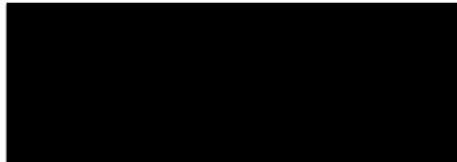
You enlisted in the Navy on 28 June 1974. During the period from 21 February 1975 to 5 May 1976, you received two nonjudicial punishments (NJP), for the following offenses: unauthorized absence (UA) for five days and four specifications of being absent from your appointed place of duty. You were also convicted by special court martial (SPCM) of two specifications of UA totaling 49 days. Subsequently, you were notified of pending administrative separation action by reason of misconduct due to frequent involvement with military authorities. After you waived your procedural rights, your Commanding Officer (CO) recommended a general discharge under honorable conditions by reason of misconduct due to frequent involvement with military authorities. The discharge authority approved this recommendation and directed a general discharge under honorable conditions by reason of misconduct. On 23 July 1976, 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 your contention that you went UA because you were being threatened and you feared for your life. The Board concluded that these factors were not sufficient to warrant relief given your misconduct. In this regard, the Board concluded that the seriousness of your misconduct, as evidenced by two NJPs and a SPCM, outweighed your desire to upgrade your discharge and clearly supports the commanding officer's decision to issue you a general discharge. The Board also believed that you were fortunate to receive a general discharge since a discharge under other than honorable conditions is often directed when a Sailor is separated for misconduct. Finally, the Board noted that there is no evidence in your record, and you submitted none, to support the contention that your life was being threatened. 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