



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

[REDACTED]
Docket No: 7967-16
NOV 20 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 statutes 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 11 October 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 23 April 1963. You served for three years and 11 months without disciplinary incident, but during the period from 15 March 1967 to 26 April 1967, you received nonjudicial punishment (NJP) on two occasions and were convicted by summary court-martial (SCM). Your offenses were unauthorized absence (UA) from your unit for periods totaling 17 days, failure to go to your appointed place of duty, missing ship's movement and failure to obey a lawful order. Subsequently, you were notified of pending administrative separation by reason of unfitness at which time you waived your rights to consult with legal counsel and to present your case to an administrative discharge board (ADB). Your commanding officer recommended discharge under other than honorable conditions by reason of unfitness. The discharge authority approved this recommendation and directed separation under other than honorable conditions by reason of unfitness, and on 19 July 1967, 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, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your desire to upgrade your discharge, post service conduct and your

contention that you “didn’t think that I would get discharged for breaking travel orders just a different duty station”. The Board found that these factors were not sufficient to warrant relief in your case because of the seriousness of your repeated misconduct that resulted in two NJPs, and an SCM. Further, the Board noted that you were given an opportunity to defend yourself and perhaps receive a better characterization of service, but waived your procedural rights. 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