



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

CRS  
Docket No: 1391-13  
21 February 2014

[REDACTED]

[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.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 20 February 2014. 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, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Navy on 21 August 1973. Your record is incomplete, however, you received nonjudicial punishment on four occasions and were convicted by a special court-martial of larceny and wrongful appropriation, absence from your appointed place of duty, two periods of unauthorized absence (UA) totaling 76 days, disrespect, and disobedience of a lawful order. You received a discharge under other than honorable conditions on 13 August 1976 pursuant to your request for discharge for the good of the service in lieu of trial by court-martial, for three periods of UA totaling 388 days.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth, overall record of service, and the contention that your head injury caused your misconduct, but found those factors insufficient to warrant corrective action in your case. The Board concluded that your service was properly characterized as a discharge under other than honorable conditions given the seriousness of the offenses. In addition, the Board believed that considerable clemency was extended to you when your request for discharge was approved since, by that action, you avoided the possibility of a Federal conviction, confinement at hard labor and a punitive discharge. Further, the Board concluded that you received the benefit of your bargain when your request for discharge was granted. Finally, there is no evidence in your record to support your contention, and you submitted no such evidence. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is requested that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter 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,



ROBERT D. ZSALMAN  
Acting Executive Director