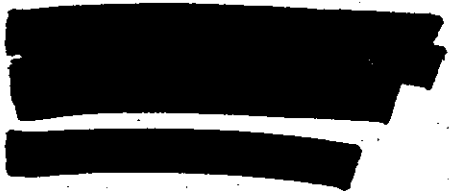




DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
701 S. COURTHOUSE ROAD, SUITE 1001  
ARLINGTON, VA 22204-2490

TJR  
Docket No: 2623-13  
19 February 2014



This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, 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 19 February 2014. 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, your naval record, and applicable statutes, regulations, and policies.

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.

You enlisted in the Navy and began a period of active duty on 10 May 1967. You served without disciplinary incident until 16 August 1968 when you received nonjudicial punishment (NJP) for a two day period of unauthorized absence (UA).

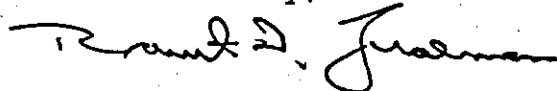
On 14 October 1969 you were convicted by special court-martial (SPCM) of two periods of UA totalling 63 days and absence from your appointed place of duty. You were sentenced to confinement at hard labor for three months, a \$327 forfeiture of pay, reduction to paygrade E-1, and a bad conduct discharge (BCD). On 30 December 1969 you submitted a written request for immediate execution of the BCD, stating in part, that you were of no use to the Navy since you could not work with a clear conscience because of your strong feeling against war and the entire military plan. The BCD was subsequently approved at all levels of review, and on 25 March 1970 you were so discharged.

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 and service in Vietnam. It

also considered your assertion of experiencing stress, depression, and anxiety and going UA to deal with for these feelings since you believed that there was no medical help available at the time of your discharge. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of the seriousness of your repetitive misconduct which resulted in an NJP, SPCM, and your request for immediate execution of the BCD. Further, there is no evidence in the record, and you submitted none to support your assertion. Contrary to your assertion, medical and mental health assistance was available to all Sailors who sought it. Accordingly, your application has been denied.

It is regretted 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,

A handwritten signature in cursive script, appearing to read "Robert D. Zsalmán".

ROBERT D. ZSALMAN  
Acting Executive Director