



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

TJR
Docket No: 3140-13
19 February 2014

[REDACTED]

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 Navy, began a period of active duty on 21 January 1977, and served for about six months without disciplinary incident. However, during the period from 28 July 1977 to 23 July 1978, you received nonjudicial punishment (NJP) on four occasions for two specifications of breaking restriction, five periods of unauthorized absence (UA) totalling 69 days, and two specifications of missing the movement of your ship.

Subsequently, after undergoing a psychiatric evaluation, you were diagnosed with marked characterological traits and recommended for an administrative separation. On 26 June 1978 you were notified of pending administrative separation by reason of unsuitability due to the diagnosed marked characterological traits. After waiving your procedural rights, on 2 July 1978, your commanding officer recommended separation under honorable conditions by reason of unsuitability, stating in part, that you were an administrative burden as reflected by your misconduct.

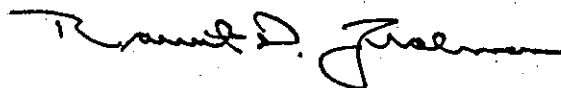
On 14 July 1978 the discharge authority approved this recommendation and directed a general discharge by reason of unsuitability, and on 21 July 1978, you were so separated.

At the time of your separation, character of service was based, in part, on conduct and overall trait averages which were computed from marks assigned during periodic evaluations. Your conduct average was 2.2. An average of 3.0 in conduct was required for a fully honorable characterization of service.

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 assertion that you were promised that your discharge would be upgraded six months after your separation. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of the seriousness of your misconduct which resulted in four NJPs and since your conduct average was insufficiently high to warrant a fully honorable characterization of service. Finally, no discharge is automatically upgraded due solely to the passage of time or an individual's good post service conduct. 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,



ROBERT D. ZSALMAN
Acting Executive Director