



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

TAL
Docket No: 3840-13
20 March 2014

[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 12 March 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 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 23 April 1976 at age 19. You received nonjudicial punishment (NJP) on two occasions, 27 November 1976 and 17 January 1977, for willfully disobeying a lawful order, destruction of property, drunk and disorderly conduct and failure to go to your appointed place of duty. On 21 December 1977, you were convicted by summary court-martial (SCM) of failure to go to your appointed place of duty, unauthorized absence (UA) from your unit for a period of two days, and disrespect toward a superior commissioned officer. On 27 November 1978, you were convicted by special court-martial (SPCM) of two instances of UA from your unit for a period of two days, missing ship's movement, willfully disobey a lawful order from a superior commissioned officer, two instances of making a threat and indecent exposure. The sentence imposed was confinement at hard

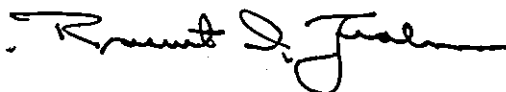
labor, a forfeiture of pay and reduction in paygrade. You received NJP on two additional occasions, 14 September 1979 and 4 January 1980, for UA from your unit for three days and wrongful possession of marijuana. You remained on active duty until 12 July 1980 when you were released under honorable conditions and transferred to the Naval Reserve.

Characterization of service is based in part on your conduct mark average computed from marks assigned on a periodic basis. Your conduct average was 2.9. At the time of your service, a conduct average of 3.00 was required for a fully honorable characterization of service.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth and overall record of service. Nevertheless, the Board found that these factors were not sufficient to warrant recharacterization of your discharge given the seriousness of your misconduct that resulted in four NJPs, one SCM, one SPCM and failure to attain the required average in conduct. 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 has committed misconduct. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

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