



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

TAL
Docket No: 3862-13
21 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 19 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 14 August 1970, at age 17. On 28 January 1971, you received nonjudicial punishment (NJP) for unauthorized absence (UA) from your unit for a period of three days. On 23 June 1971, you received NJP for UA from your unit for a period of four days. On 5 August 1971 you were convicted by special court-martial (SPCM) of UA from your unit for a period of 11 days. The sentence imposed was confinement at hard labor and extra duties. You were the subject of a psychiatric evaluation that diagnosed you with an immature personality disorder. During the evaluation you stated in part, that you wanted out of the Navy. On 19 October 1971, you were notified of pending administrative separation action by reason of unsuitability due to the

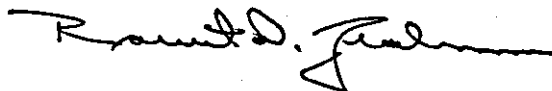
diagnosed personality disorder. You were afforded all of your procedural rights including the opportunity to submit a statement on your behalf. On 8 November 1971, you received a general discharge for unsuitability.

Character of service is based in part on conduct marks assigned on a periodic basis. Your conduct mark average was 2.0. A 3.0 conduct mark average was required for a fully honorable discharge.

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 a change in your characterization of service given the seriousness of your misconduct that resulted in two NJPs, an SPCM, diagnosed personality disorder and insufficiently high conduct mark average. The Board believed that you were fortunate to receive a general discharge since a separation under other than honorable conditions is often directed when a Sailor is separated with frequent disciplinary infractions. Finally, there is no provision of law or in Navy regulations that allows for recharacterization of service due solely to the passage of time. 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