



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

TJR
Docket No: 5286-13
21 May 2014

[REDACTED]

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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 14 May 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 30 September 1977. About five months later, on 17 February 1978, you received nonjudicial punishment (NJP) for two specifications of wrongful possession of marijuana, failure to obey a lawful order, and failure to report a drug offense. Shortly thereafter, on 16 May 1978, you were convicted by summary court-martial (SCM) of 17 periods of failure to go to your appointed place of duty, three periods of absence from your appointed place of duty, three specifications of disobedience, failure to obey a lawful order, and a 61 day period of unauthorized absence (UA).

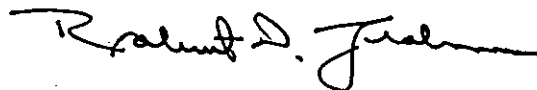
Your record reflects that during the period from 21 June 1978 to 26 January 1981, you were in a UA status on eight occasions for 1,061 days, apprehended by civil and military authorities, and declared a deserter. The record does not, however, reflect the disciplinary action taken for this misconduct.

During the period from 18 August 1981 to 29 October 1986, you were again in a UA status. As a result, on 22 January 1987, you were convicted by general court-martial (GCM) of three periods of UA totalling 1,881 days. You were sentenced to confinement at hard labor for seven months, forfeiture of all pay and allowances, and a dishonorable discharge (DD). The DD was subsequently approved at all levels of review, and on 28 October 1987, 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 assertions of being forced to enlist by your parents, recruiter misconduct, and improper background and medical checks prior to enlistment. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of the seriousness of your repetitive and lengthy periods of UA and drug related misconduct. Finally, there is no evidence in the record, and you submitted none, to support your assertions. 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