



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

SJN  
Docket No: 5512-13  
10 July 2014



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 8 July 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.

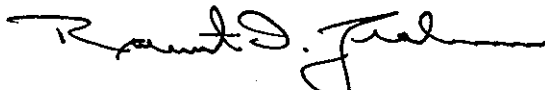
You enlisted in the Navy and began a period of active duty on 27 December 1968. The Board found that on 31 March 1970, you were convicted by special court-martial (SPCM) of 29 days of unauthorized absence (UA) and missing ship's movement. On 14 September 1970, you were counseled regarding your military behavior and warned that further misconduct could result in administrative discharge action. On 1 October 1970, you were convicted by a second SPCM of 47 days of UA which had ended with your apprehension. You were sentenced to a forfeiture of pay, confinement at hard labor, and a bad conduct discharge (BCD). On 25 November 1970, you waived your right to request restoration to full duty stating that you wanted to go home. At that time you

were granted leave without pay pending appellate review of your SPCM. You received the BCD on 5 February 1971 after appellate review was completed.

The Board, in its review of your record and application, carefully weighed all potentially mitigating factors, such as your youth, record of service, desire to upgrade your discharge, and contention that you were mentally unfit for military service. Nevertheless, based on the information currently contained in your record, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge given your two SPCM convictions of serious offenses resulting in your BCD. With regard to your contention, there is no evidence in the record to support it, and you submitted no such evidence. Additionally, a medical entry dated 18 November 1970 states, in part, that you were diagnosed as not suffering from any psychiatric or emotional disorder requiring medical attention. 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