



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

[REDACTED]
Docket No: 4072-16

SEP 05 2017

[REDACTED]
Dear [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.

Although your application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider your application on its merits. A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 2 May 2017. 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.

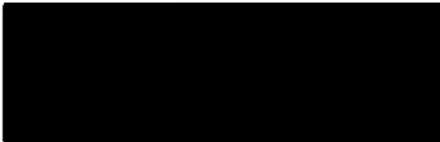
You enlisted in the Navy on 29 November 1966. During the period from 14 July 1967 to 30 April 1970, you received six non judicial punishments (NJP) for the following offenses: unauthorized absence (UA), disrespectful in language, and failure to obey a lawful order. You were also convicted by special court martial (SPCM) of two specifications of disobeying a lawful order, disrespect to a superior Petty Officer, and wrongful possession of a false Naval Pass. On 10 June 1970, you received a general under honorable conditions discharged due to an early separation authority and not possessing the marks required for a fully honorable characterization of service.

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. The Board carefully weighed all potentially mitigating factors, such as the documentation from the [REDACTED] Police Department, the arrest record from the State of [REDACTED] your desire to upgrade your characterization of service and assertion that you had expunged civilian charges that may have affected your discharge. However, the Board concluded that these factors were not sufficient to warrant upgrading your characterization of service given that you did not process the required marks to receive an honorable discharge. In this regard, the Board noted

that character of service is based, in part, on conduct and overall trait averages which are computed from marks assigned during periodic evaluations. Your conduct average was 2.9. An average of 3.0 in conduct was required at the time of your separation for a fully honorable characterization of service. The Board was not persuaded by the assertion that you had expunged charges as a civilian that may have affected your discharge. There is no evidence in record, and you provided none, to support this assertion. Lastly, the Board found no error concerning your social security number (SSN) on your Armed forces of the United States Report of Transfer or Discharge (DD Form 214). In regards to correcting your SSN throughout your record, be advised that during the period you served, service numbers were used for identification purposed vice SSNs. Accordingly, your application has been denied.

It is regretted that the circumstances of your case are such that favorable action cannot be taken at this time. You are entitled to have the Board reconsider its decision upon the submission of new and material evidence. New evidence is evidence 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,



Executive Director