



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

[REDACTED]
Docket No: 4076-16

AUG 15 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 24 January 1969. On 18 August 1992, you were convicted by special court-martial (SPCM) of unauthorized absence on two separate occasions totaling 72 days. You were sentenced to forfeitures of pay, confinement for 120 days, reduction to E-1, and a bad conduct discharge (BCD). On 18 November 1969, you went UA for an additional 49 days prior to the final approval of your BCD. On 2 June 1970, the BCD was approved at all levels of review and you were discharged.

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 character letters, your desire to upgrade your discharge and assertions that you were young, a hot head, and have learned from your past mistakes. However, the Board found that these factors were not sufficient to warrant relief given your misconduct. In this regard, the Board concluded that the severity of your misconduct, specifically the lengthy periods of UA, outweighed your desire to upgrade your discharge. The Board also was not persuaded by the assertion that you were young and a hot head when you joined the Navy.

The Board felt that your record clearly reflected your willful misconduct and demonstrated you were unfit for further service. The Board noted while commendable, your integrity and faithful work ethic, does not alter your conduct while enlisted in the Navy or the basis for your discharge. 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