



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

[REDACTED]  
Docket No: 6571-16  
NOV 01 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 16 August 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, relevant portions of your naval record and applicable statutes, regulations and policies.

Regarding your request for a personal appearance, the Board determined that a personal appearance with or without counsel will not materially add to their understanding of the issues involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

You enlisted in the Navy and began a period of active duty on 17 June 1975. In January 1976, the Academic Review Board at the Phase 1, Fire Control Technician 'A' school recommended that you should be dis-enrolled for an extremely poor attitude and because you could not perform the duties of a Fire Control Tech. On 22 January 1976, you received nonjudicial punishment (NJP) for unauthorized absence from your unit for periods totaling 17 days. Subsequently, you were notified of pending administrative separation by reason of unsuitability at which time you waived your procedural rights to consult with legal counsel and to present your case to an administrative discharge board (ADB). Characterization of service is based in part on conduct and proficiency averages computed from marks assigned on a periodic basis. Your conduct average was 2.0. At the time of your service, a conduct average of 3.0 was required for a fully honorable characterization of service. Your commanding officer recommended discharge under honorable conditions by reason of unsuitability. The discharge authority approved this

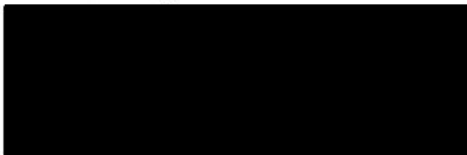
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recommendation and directed separation under honorable conditions by reason of unsuitability and on 28 January 1976, you were discharged.

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 and your contention that your performance declined due to your preoccupation with your mother's health. The Board concluded these factors were not sufficient to warrant relief in your case because of the seriousness of your misconduct and failure to attain the required average in conduct. 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