



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

[REDACTED]
Docket No: 6812-16
NOV 03 2017

[REDACTED]
Dear [REDACTED]

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.

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.

You enlisted in the Navy and began a period of active duty on 18 October 1965. You served for about nine months without disciplinary incident, but during the period from 19 July 1966 to 18 October 1967, you received nonjudicial punishment (NJP) on five occasions and were convicted by summary court-martial (SCM) and special court-martial (SPCM). Your offenses were unauthorized absence (UA) from your appointed place of duty, failure to obey a lawful order, periods of UA from your unit totaling 87 days, and breaking restriction. On 21 November 1967, you made a voluntary statement to the Naval Investigative Service admitting to using marijuana on two occasions with two or three other sailors in May 1967 (once in restricted barracks and once behind Barracks 196). Subsequently, you were notified of pending administrative separation by reason of unfitness due to frequent involvement of a discreditable nature and wrongful drug use. After consulting with legal counsel, you elected to present your case to an administrative discharge board (ADB). While awaiting your ADB, you received your sixth NJP on 14 February 1968, for UA from your unit for a period of 33 days. On 29 February 1968, the ADB found that you committed misconduct and recommended that you be separated with an other than honorable (OTH) characterization of service. The separation authority agreed with the finding and recommendation of the ADB and directed your commanding officer to issue you an OTH discharge by reason of unfitness due to frequent involvement and discharged you on 4 April 1968.

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, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your post service conduct and contentions that there is incorrect information in your record, that charges were mixed up with another sailor's record, you never used drugs, and you maintained a 3.23 performance average. The Board concluded these factors were not sufficient to warrant relief in your case because of the seriousness of your repeated misconduct that resulted in six NJPs one SCM, an SPCM, and periods of UA totaling four months. In regard to your contentions, the Board noted that there is no evidence in your record and you submitted none to support your contentions that your record contains someone else's information and charges. The Board did review evidence in your record that reflected your six NJPs one SCM, an SPCM as listed above. 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,

[REDACTED]

Executive Director