



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

[REDACTED]
Docket No: 7878-16
NOV 29 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 10 October 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 issue(s) 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 on 10 March 1952. During the period from 27 August 1952 to 1 October 1954, you received nonjudicial punishments (NJP) on five occasions. Your offenses were unauthorized absence (UA), fighting, absent from appointed place of duty, and failure to observe reveille. You were also convicted by two summary courts martial (SCM). Your offenses were disrespectful in language, disobeying a lawful order, resisting arrest, drunk and disorderly, and UA for seven days. Subsequently, you were notified of pending administrative separation action by reason of unfitness. On 9 November 1954, you were convicted by SCM of UA and missing ship's movement. On 3 January 1955, an Administrative Discharge Board (ADB) recommended discharge under other than honorable (OTH) conditions by reason of unfitness. The discharge authority approved this recommendation and directed separation under other than honorable conditions by reason of unfitness. On 21 January 1955, you were discharged with an other than 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 your desire to upgrade your discharge and contentions that your performance aboard the [REDACTED] was satisfactory and there was a miscommunication at the time of the incident which lead to your discharge. However, the Board concluded that these factors were not sufficient to warrant relief given your misconduct. In this regard, the Board concluded that the seriousness of your repetitive misconduct, which resulted in five NJPs and three SCMs, outweighed your desire to upgrade 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,

[REDACTED]

Executive Director