



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

[REDACTED]
Docket No: 5052-17

JAN 03 2019

[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. 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. Consequently, your application has been denied.

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 October 2018. 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 on 19 January 1961. On 23 October 1962, you received non-judicial punishment (NJP) for disobeying a lawful order and disrespecting a superior petty officer. On 24 October 1962, you were involuntarily extended for one year. On 17 January 1963, you were honorably discharged due to completion of service obligation.

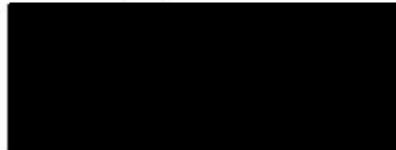
The Board carefully weighed all potentially mitigating factors, such as your desire to remove derogatory material (NJP), and your contentions that you did not receive NJP ("Captain's Mast") on 23 October 1962 and were not asked to reenlist on 1 January 1963.

The Board considered your contention that you did not receive NJP on 23 October 1962. The Board, however, concluded that you submitted no evidence to support your contention, or to show that the NJP was improperly imposed. The Board noted that you did not exercise your right to appeal the NJP and concluded that its removal from your record is unwarranted.

In regard to your contention that you were not asked to reenlist, the Board noted that the record contains documented evidence that is contrary to your contention that you were not asked to reenlist. The record clearly shows that, on 1 January 1963, when you were counseled on the advantages of immediate reenlistment, you stated that you did not intend to reenlist and that you desired to be transferred to the Naval Receiving Station, San Francisco, for separation from active duty.

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