



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

CRS
Docket No: 2573-07
1 May 2008



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.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 23 April 2008. 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.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Navy on 13 July 1977. During the period from 13 July 1977 to 8 January 1981 you received five nonjudicial punishments for offenses that included absence from appointed place of duty, failure to obey a lawful order, disrespect, and unauthorized absences totaling 30 days.

On 16 December 1980 your commanding officer recommended that you be separated from the service with a discharge under other than honorable conditions by reason of misconduct due to frequent involvement of a disciplinary nature with military authorities. After being informed of the recommendation, you elected to waive the right to present your case to an administrative discharge board. The recommendation was approved by the separation authority on 2 January 1981, and you were separated from the Navy with a discharge under other than honorable conditions on 8 January 1981.

The Board did not accept your unsubstantiated contention to the effect that your misconduct was caused by or related to the effects of undiagnosed bipolar disorder. It concluded that your service was properly characterized as under other than honorable conditions in view of your frequent disciplinary infractions, and

that you have not demonstrated that it would be in the interest of justice for it to upgrade your discharge. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter 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,



ROBERT D. ZSALMAN
Acting Executive Director