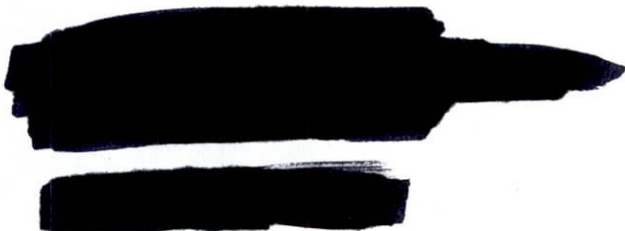




DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

BAN
Docket No: 08914-10
23 May 2011



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.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 19 May 2011. 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 the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You reenlisted in the Navy on 25 June 1999, after more than eight years of honorable service. Your record is incomplete, but on 22 August 2001, you were convicted by special court-martial (SPCM) of an Article 134, Uniform Code of Military Justice, violation (conduct prejudicial to good order and discipline). Your sentence included nine months confinement at hard labor and a bad conduct discharge (BCD). After appellate review, on 8 February 2006, you received a BCD.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth, prior honorable service, and belief that your BCD was unwarranted. Therefore, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of the serious nature of your SPCM conviction.

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,

A handwritten signature in cursive script, appearing to read "Robert D. Zsalmán". The signature is written in dark ink and is positioned above the typed name.

ROBERT D. ZSALMAN
Acting Executive Director