



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

TJR
Docket No: 777-12
25 October 2012

[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.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 23 October 2012. 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, 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 enlisted in the Navy Reserve on 5 March 1979 at age 17 and served without disciplinary incident until 20 November 1980, when you were convicted by special court-martial (SPCM) of 11 specifications of uttering checks with insufficient funds totalling \$1,483. You were sentenced to confinement at hard labor for three months, a \$1,002 forfeiture of pay, reduction to paygrade E-1, and a bad conduct discharge (BCD).

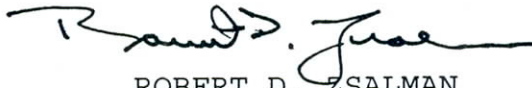
On 19 February and again on 10 April 1981 you received nonjudicial punishment (NJP) for two specifications of disobedience and a 30 day period of unauthorized absence (UA). Subsequently, the BCD was approved at all levels of review and on 12 August 1982, you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and desire to upgrade your discharge. Nevertheless, these factors were not sufficient to warrant recharacterization

of your discharge because of the seriousness of your repetitive misconduct and lengthy period of UA which resulted in two NJPs and a SPCM. Accordingly, your application has been denied.

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 black ink, appearing to read "Robert D. Zsalmán", with a stylized flourish at the end.

ROBERT D. ZSALMAN
Acting Executive Director