



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

BAN  
Docket No: 03552-12  
25 March 2013

[REDACTED]

[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 20 March 2013. 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 had prior honorable service in the Navy from 1978 to 1982. You reenlisted on 21 October 1982, and served without disciplinary incident until 3 May 1984, when you received nonjudicial punishment (NJP) for willful disobedience of a lawful order, two specifications of failure to obey a lawful order, and signing a false official statement. Shortly thereafter, you received the following NJP's: on 13 July 1984, for two specifications of willful disobedience of a lawful order; on 4 January 1985, for failure to go to your appointed place of duty; and on 22 February 1985, for four specifications of disobeying a lawful order and failure to obey a lawful regulation. You were recommended for separation with an other than honorable (OTH) discharge due to misconduct (commission of a serious offense (COSO)). You exercised your rights to consult with counsel and elected to have your case heard by an administrative discharge

board (ADB). The ADB voted to separate you with an OTH discharge due to misconduct (COSO). Therefore, the separation authority approved the recommendation, and on 28 March 1985, you were separated with an OTH discharge due to misconduct (COSO) and an RE-4 (not recommended for retention) reenlistment code.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and prior honorable service. Nevertheless, the Board concluded these factors were not sufficient to warrant a change to your characterization of service due to your COSO. 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