



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

BAN
Docket No: 03556-12
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 entered active duty in the Navy on 4 January 1978, and served without disciplinary incident until 24 July 1978, when you received nonjudicial punishment (NJP) for an unauthorized absence (UA) in excess of 11 days. Shortly thereafter, you received the following disciplinary actions: on 25 August 1978, you received NJP for UA; on 31 May 1979, you received NJP for sleeping on post; on 16 April 1980, you were convicted at a special court-martial of UA; on 24 October 1980, you were convicted at a summary court-martial (SCM) of three specifications of UA and possessing a false identification card; and on 4 February 1981, you received a SCM for two specifications of UA. You were recommended for separation with an other than honorable (OTH) discharge due to your misconduct. You exercised your right to consult with counsel and an administrative discharge board (ADB). Therefore, in May 1981, you received an ADB and it voted to

separate you with an OTH discharge due to misconduct. The separation authority approved the recommendation, and on 10 July 1981, you were separated with an OTH discharge due to misconduct 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 claim of health problems due to possible water contamination at Camp Lejeune, North Carolina in 1978. Nevertheless, the Board concluded these factors were not sufficient to warrant a change to your characterization of service due to your frequent acts of misconduct. In addition, regarding your claim that you were exposed to contaminated water at Camp Lejeune, you may contact the Department of Veterans Affairs to see if you qualify for treatment. 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