



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

CRS
Docket No: 2261-13
10 April 2014

[REDACTED]

[REDACTED]

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 26 November 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 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 10 August 1988. On 13 June 1990 you were charged with attempted sexual battery by civil authorities. The court sentenced you to six years of community control and probation.

On 12 December 1990 an administrative discharge board recommended that you be separated with a discharge under other than honorable conditions by reason of misconduct due to the commission of a serious offense. After review by the discharge authority, the recommendation for separation was approved and on 15 January 1991 you were separated with a discharge under other than honorable conditions by reason of misconduct due to the commission of a serious offense.

In its review of your application the Board carefully weighed all potentially mitigating factors such as your youth, overall service record, and unsubstantiated contention that you were innocent and the civil charges were dismissed. The Board concluded that these factors were insufficient to warrant upgrade of your discharge, given the seriousness of your offense. 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".

ROBERT D. ZSALMAN
Acting Executive Director