



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

CRS

Docket No: 2322-13

6 May 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 14 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 6 October 1989. A special court-martial (SPCM) convened on 11 January 1995 and found you guilty of disrespect to a commissioned officer. Specifically you threatened to kill her.

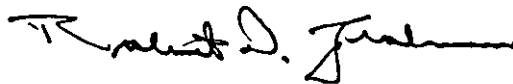
On 24 April 1995 the Navy Personnel Command recommended to the Assistant Secretary of the Navy for Manpower and Reserve Affairs (ASN) that you be processed for a personality disorder, homosexual conduct, and misconduct. On 28 April 1995 the ASN approved the recommendation and directed that you be separated with a discharge under other than honorable conditions by reason

of misconduct due to your conviction by SPCM. You were so discharged on 18 May 1995.

There is nothing in your record to support your contention that you did not know why you were discharged. To the contrary your record shows you were fully informed as to why you were being discharged and waived your right to appear before an administrative discharge board. 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 dark ink, appearing to read "Robert D. Zsalmán", written in a cursive style.

ROBERT D. ZSALMAN
Acting Executive Director