



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

BJG  
Docket No: 3216-13  
5 February 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 4 February 2014. 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. The Board also considered the report of the Naval Discharge Review Board dated 21 January 1999, a copy of which is attached.

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.

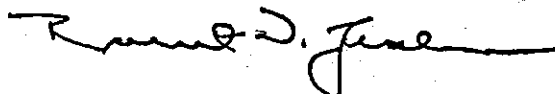
You enlisted in the Navy and entered active duty on 1 August 1989. You received nonjudicial punishment on four occasions for unauthorized absence, being derelict in the performance of your duties, violating a lawful general regulation, sleeping on watch, failure to obey a lawful order, using provoking words or gestures, conduct prejudicial to good order and discipline, assault, and communicating a threat. You were then advised that your command was recommending you for administrative separation

with an other than honorable (OTH) characterization of service due to misconduct. You waived your procedural right to have your case heard by an administrative discharge board (ADB). On 26 February 1992, you were discharged with an OTH characterization of service due to misconduct, and assigned an RE-4 (not recommended for reenlistment) reentry code.

In its review of your application, the Board carefully weighed all potentially mitigating factors, such as your youth, allegation that you were the victim of an assault, and current desire to upgrade your discharge. However, the Board concluded that your discharge should not be changed due to your repeated acts of misconduct. The Board noted that you waived your right to an ADB, your best opportunity for retention or a better characterization of service. The Board found no evidence in your record to support your allegation, and you provided no such evidence. Finally, you are advised that the mere passage of time or post service good conduct do not require the upgrade of a discharge. In view of the above, 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

Enclosure