



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

CRS
Docket No: 3530-13
30 April 2014

[REDACTED]

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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 6 March 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.

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 Reserve on 21 August 1992. On 27 May 1993 you were convicted by a summary court-martial of an unauthorized absence of 52 days. Thereafter, you were absent without authority from 12 December 1993 to 20 February 1998, a total of 1,528 days. You received a discharge under other than honorable conditions on 21 April 1998 pursuant to your request for discharge for the good of the service in lieu of trial by court-martial.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth, overall service, and the unsubstantiated contention that you were a

homosexual. It found these factors insufficient to warrant corrective action in your case given your lengthy period of unauthorized absence. In addition, the Board believed that considerable clemency was extended to you when your request for discharge was approved since, by that action, you avoided the possibility of a Federal conviction, confinement at hard labor and a punitive discharge. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

Considering your request for advancement to pay grade E-2 to be shown on your Certificate of Release or Discharge from Active Duty (DD Form 214), the Board found insufficient evidence to show that you were discharged in that pay grade.

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