



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

TAL  
Docket No: 4351-13  
16 April 2014



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 9 April 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 the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Navy and began a period of active duty on 15 March 2004 at age 32. You received nonjudicial punishment (NJP) on two occasions for drunken or reckless operation of a vehicle. You were notified of pending administrative discharge processing with an other than honorable (OTH) discharge due to misconduct. After consulting with legal counsel, you elected to present your case to an administrative discharge board (ADB). On 2 December 2011, the ADB found that you committed misconduct, recommended that you be separated with an OTH discharge and that your separation be suspended for twelve months. On 16 December 2011, you were convicted in civil court of driving under the

influence of alcohol. You were sentenced to pay a fine of \$762.00, 240 hours of community service and to attend substance abuse treatment. At this time, you were no longer qualified for submarine service. On 28 March 2012, your commanding officer disagreed with the recommendation of the ADB and forwarded his recommendation that you be discharged with a general characterization. On 3 April 2012, you were discharged with a general characterization of service by reason of misconduct (commission of a serious offense). At that time you were assigned an RE-4 reentry code, which means that you were neither recommended nor eligible for reenlistment.

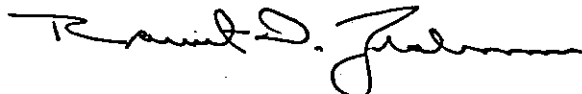
The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your overall record of service. Nevertheless, the Board found that these factors were not sufficient to warrant changing your reentry code given the seriousness of your misconduct that resulted in two NJPs, a civil conviction and that you were no longer qualified for submarine service. Finally, an RE-4 reentry code must be assigned to all Sailors discharged due to misconduct. The Board believed you were fortunate to receive a general discharge since Sailors who are separated for misconduct often receive other than honorable characterizations of service. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

The Board did not consider whether your characterization of service or reason for separation should be changed. You are entitled to submit the attached Application for the Review of Discharge or Dismissal from the Armed Forces of the United States (DD Form 293) to the Naval Council of Personnel Review Boards, Attention: Naval Discharge Review Board (NDRB), 720 Kennon Street, SE Room 309, Washington Navy Yard, Washington, DC 20375-5023, for consideration of an upgrade of your discharge and a change in your narrative reason for discharge.

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". The signature is fluid and cursive, with a prominent initial "R" and a long, sweeping underline.

ROBERT D. ZSALMAN  
Acting Executive Director

Enclosure