



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

TJR
Docket No: 4786-13
29 April 2014

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, 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 15 April 2014. The names and votes of the members of the panel will be furnished upon request. 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 23 December 1985. You served for about a year and six months without disciplinary incident, but on 11 June and again on 10 December 1987, you received nonjudicial punishment (NJP) for altering an identification card and a 27 day period of unauthorized absence (UA). About eight months later, on 9 August 1988, you were convicted by special court-martial (SPCM) of a 65 day period of UA and missing the movement of your ship.

Subsequently, you were processed for an administrative separation by reason of misconduct due to commission of a serious offense and a pattern of misconduct. After waiving your procedural rights, on 30 June 1989, your commanding officer recommended discharge under other than honorable conditions by reason of misconduct due to commission of a serious offense and a pattern of misconduct and noted that you had a charge of driving under

the influence of alcohol pending with civil authorities. On 5 September 1989 the discharge authority approved the foregoing recommendation and directed separation under other than honorable conditions by reason of misconduct, and on 15 September 1989 you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your post service conduct, desire to upgrade your discharge, and character reference letters. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of the seriousness of your misconduct. Further, you were given an opportunity to defend your actions, but waived your procedural right. Finally, no discharge is upgraded due solely to an individual's good post service conduct or the passage of time. Accordingly, your application has been denied.

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