



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

CRS

Docket No: 8267-13

25 March 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 15 January 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 reenlisted in the Navy Reserve on 9 October 1986 after more than two years of prior honorable service. You received nonjudicial punishment on four occasions for offenses that included failure to obey a lawful order, dereliction of duty on two occasions, disobedience of a lawful order on three occasions, wrongful possession of marijuana, and wrongful appropriation. On 5 July 1990 you submitted a written request for discharge for the good of the service in lieu of trial by court-martial for wrongful possession, use, and distribution of methamphetamines, wrongful distribution of marijuana, and larceny. Prior to submitting this request you conferred with a qualified military lawyer who advised you of your rights and warned of the probable adverse consequences of

receiving a discharge under other than honorable conditions. You were so discharged on 31 July 1990.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth and prior honorable record of service. It found these factors insufficient to warrant corrective action in your case given your extensive disciplinary record and the serious nature of the misconduct which resulted in your discharge. 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 member 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