



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

TRG

Docket No: 3234-07
13 May 2008

[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 29 April 2008. 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.

You reenlisted in the Navy on 12 February 1990 with about four years of service on a prior enlistment. During the period from 3 April 1991 to 21 September 1993, you received nonjudicial punishment on three occasions. Your offenses were driving without a driver's license, drunk driving, disobedience, and an unauthorized absence of about eight days which occurred because you were confined by civil authorities on a drunk driving charge.

Based on the foregoing record of misconduct, you were processed for an administrative discharge by reason of a pattern of misconduct and alcohol rehabilitation failure. An administrative discharge board met on 29 November 1993 and found that you had committed misconduct and recommended a general discharge. After review, the discharge authority directed a general discharge and you were so discharged on 23 January 1994.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your prior honorable service and the character reference you submitted. The Board found that these factors were not sufficient to warrant recharacterization of your discharge given your record of misconduct. The Board concluded that the discharge was proper as issued and no change is warranted.

Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

As indicated in the enclosure, the Navy Personnel Command has issued a DD Form 215 to correct the social security number entered on your DD Form 214.

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