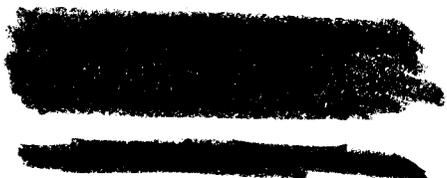




DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

CRS  
Docket No: 4725-07  
13 May 2008



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 7 May 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.

The Board found that you enlisted in the Navy Reserve on 28 October 1980. You received two nonjudicial punishments and were convicted by a special court-martial. The offenses included unauthorized absences totaling 347 days.

On 3 August 1983 your commanding officer recommended that you be separated with a discharge under other than honorable conditions by reason of misconduct due to a pattern of misconduct. When informed of this recommendation, you waived the right to consult with counsel and to present your case to an administrative discharge board. Subsequently, you received a third nonjudicial punishment for an unauthorized absence and absence from appointed place of duty. After review by the discharge authority, the recommendation for separation was approved and on 1 December 1983 you were separated with a discharge under other than honorable conditions.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth, good post service conduct, and the contention that your mother was ill which caused the unauthorized absences. The Board concluded that those factors were insufficient to warrant recharacterization of

your discharge, given your disciplinary record. Accordingly, your application has been denied. The names and votes of the members 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