



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

SMW
Docket No: 7466-07
13 May 2008

[REDACTED]

Dear [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 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 the evidence submitted was insufficient to establish the existence of probable material error or injustice.

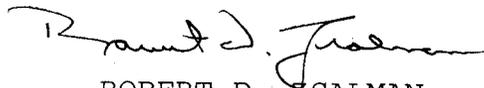
On 21 December 1987, you enlisted in the Navy at age 19. On 15 April 1988, you had nonjudicial punishment for making a false official statement and assault. You were also counseled regarding deficiencies in your performance and conduct and warned that further infractions could result in disciplinary action or administrative separation. On 11 October 1988, you began an unauthorized absence (UA) that ended on 29 March 1989, a period of about 169 days. Based on the information currently contained in the record, it appears that you were subsequently convicted by a special court-martial of the 169 day period of UA and the sentence included a bad conduct discharge (BCD). After the BCD was approved at all levels of review, on 24 January 1990, you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potential mitigation, such as your youth. The Board also considered your contention that a death of a

family member may have attributed to your misconduct. Nevertheless, the Board found that these factors were not sufficient to warrant recharacterization of your discharge due to the seriousness of your misconduct. Regarding your contention, there is no evidence in the record to show that a death in your family may have attributed to your misconduct. But, even if there were such evidence, that would not excuse misconduct. Therefore, 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.

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