



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

JRE

Docket No. 10210-07  
19 September 2008

[REDACTED]

[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. You requested that your discharge be changed to "medical or general".

On 11 September 2008, a three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered only so much of your application as pertains to your request for disability separation. The Board did not reconsider your previous request for upgrade of your discharge under other than honorable conditions, which was denied on 17 June 2004, because you did not submit any new material evidence or other matter concerning the characterization of your service.

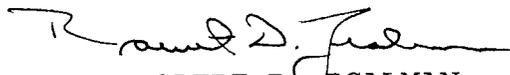
Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval 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. In this regard, the Board could not find any indication in the available records that you were unfit for duty by reason of physical disability on 3 May 1985, when you were discharged by reason of misconduct. It noted that you would not have been entitled to disability separation or

retirement in any case, because your administrative discharge would have taken precedence over and precluded disability processing. 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,

A handwritten signature in cursive script, appearing to read "Robert D. Zsalmán".

ROBERT D. ZSALMAN  
Acting Executive Director