



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

SMS  
Docket No: 11013-07  
21 August 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 20 August 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 20 June 1990, you reenlisted in the Navy at age 21 after a prior period of honorable service. During the period 3 April to 29 July 1992, you had three nonjudicial punishments (NJP's) and a suspended punishment vacated. Your offenses included two instances of assault, breach of the peace, and dereliction in the performance of your duties.

On 3 August 1992, your commanding officer initiated administrative separation by reason of misconduct due to commission of a serious offense. In connection with this processing, you acknowledged that separation could result in an other than honorable (OTH) discharge and waived the right to have your case heard by an administrative discharge board (ADB). On 16 September 1992, the separation authority approved the discharge recommendation and directed an OTH discharge by

reason of misconduct due to commission of a serious offense. On 26 September 1992, you were so discharged.

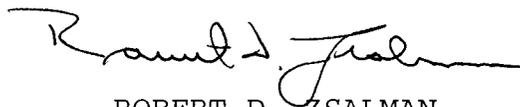
The Board, in its review of your entire record and application, carefully weighed all potential mitigation, such as your period of honorable service and desire for a better discharge. Nevertheless, the Board concluded that these factors were not sufficient to warrant recharacterization of your discharge due to your misconduct. The Board also noted that you waived the right to have your case heard by an ADB, your best opportunity for retention or a more favorable characterization of service. 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.

The Board noted that as a result of your prior period of honorable service, you may be eligible for veterans' benefits. You should contact the nearest office of the Department of Veterans Affairs if you desire clarification about your eligibility for those benefits.

The Board further noted that you should contact the National Personnel Record Center (Code PERS 312-D2), 9700 Page Avenue, St. Louis, Missouri 63132-5100, to request administrative corrections be made on your DD Form 214, specifically, blocks 12 and an entry in block 18 to account for your period of honorable service.

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