



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

RDZ:ecb
Docket No. 02584-08
19 May 2009

[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.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 12 May 2009. 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 enlisted in the Navy on 17 April 1984 for six years. Unfortunately you only served a little over two years and seven months when you were discharged due to frequent acts of misconduct. Specifically between your enlistment and discharge you received five nonjudicial punishments. Your offenses were bringing and consuming alcohol on a Navy vessel, possession of drug paraphernalia, use of marijuana, assault, communication of a threat, six periods of unauthorized absence totaling 14 days and finally, larceny of \$131.00 from one of your shipmates. When you were informed that you were being recommended for an other than honorable discharge you waived your right to an

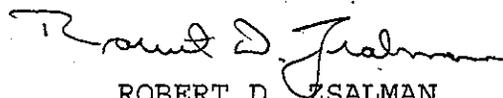
administrative discharge where you would have been represented by a military lawyer and could have requested retention or a better discharge.

In its review of your application the Board concluded that in view of your extensive disciplinary record as well as your willingness to accept an other than honorable discharge, your characterization of service was both accurate and fair and should not be changed now as a matter of clemency.

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