



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

SMS  
Docket No: 4611-08  
12 February 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 11 February 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.

On 17 July 1989, you enlisted in the Navy at age 17 with parental consent. On 30 May 1990, you had nonjudicial punishment (NJP) for an eight day period of unauthorized absence (UA) and unlawfully striking a civilian. On 31 May 1990, you were counseled regarding deficiencies in your performance and conduct and warned that further infractions could result in disciplinary action or administrative separation. On 29 June 1990, you had NJP for five instances of absence from your appointed place of duty. On 3 August 1990, you were convicted by a special court-martial of a six day period of UA, four instances of larceny and wrongful appropriation, and wrongful receipt of merchandise. Your sentence included forfeitures of pay, confinement at hard labor, and a bad conduct discharge (BCD). After the BCD was approved at all levels of review, on 1 April 1992, you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potential mitigation, such as your youth and desire for a better discharge. The Board also considered your contention that alcohol abuse contributed to your misconduct. Nevertheless, the Board concluded 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 that you were ever found to abuse alcohol or requested treatment for alcoholism. But even if there were such evidence, that would not excuse your 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