



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

BJG

Docket No: 7928'-09

12 May 2010

[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 May 2010. 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. The Board found that you reenlisted in the Navy on 23 November 1988. You received a civil conviction for malicious mischief and assault. You received nonjudicial punishment on four occasions for six specifications of unauthorized absence totaling more than four days and four specifications of failure to obey lawful orders. After your civil conviction, you were counseled four times regarding misconduct and warned that future offenses could result in administrative separation action. On 14 May 1990, you refused alcohol abuse rehabilitation. You were notified that your

commanding officer was recommending you for administrative separation with an other than honorable (OTH) discharge for misconduct - commission of a serious offense and alcohol rehabilitation failure. You elected to have your case heard by an administrative discharge board (ADB). On 12 September 1990, the ADB met and unanimously found that you committed a serious offense, failed alcohol rehabilitation, and recommended that you be separated with a general discharge. On 13 November 1990, you received a general discharge for misconduct - commission of a serious offense, and were assigned an RE-4 reenlistment code.

In its review of your application, the Board carefully weighed all potentially mitigating factors, such as your youth, and prior honorable service. However, the Board concluded that your general discharge should not be changed due to your misconduct. You are advised that no discharge is automatically upgraded due merely to the passage of time. The Board found that you were fortunate to have received a general discharge, since most individuals separated for misconduct receive other than honorable discharges. In view of the above, 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