



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

~~7RE~~

Docket No. 07885-10

19 May 2011

[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 19 May 2011. 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 5 July 1988. You underwent a pre-separation physical examination on 29 March 1991 and were found physically qualified for separation. You departed on appellate leave shortly thereafter, and were separated from the Navy with a bad conduct discharge on 15 June 1995 upon completion of the appellate review of your conviction by special court-martial of larceny or a shaver and a diamond ring.

The available records do not establish that you were suffering from a significant mental disorder when you committed the offenses which resulted in your bad conduct discharge, or that you were unfit for duty by reason of physical disability that was incurred in or aggravated by you naval service. You would not have been entitled to disability separation or retirement even if you had been unfit for duty, because your special court-martial and bad conduct

discharge would have taken precedence over disability evaluation 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