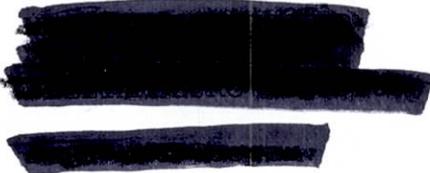




DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE ROAD, SUITE 1001
ARLINGTON, VA 22204-2490

SJN
Docket No: 00444-12
7 November 2012



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 6 November 2012. 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.

You enlisted in the Navy and began a period of active duty on 13 April 2005. The Board found that during the period from 24 August and 26 October 2006, you received three nonjudicial punishments (NJP's) for four instances of failing to go to your appointed place of duty, two instances of disrespect, and four instances of disobedience. Subsequently, administrative discharge action was initiated by reason of misconduct due to commission of a serious offense. You elected to consult counsel and have your case heard before an administrative discharge board (ADB). On 14 December 2006 the ADB found that you had committed misconduct due to commission of a serious offense and recommended separation with a general discharge. On 18 December 2006, your commanding officer concurred with the ADB's findings and recommendation and directed that you receive a general discharge by reason of misconduct. You were so discharged on 19 December 2006.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth, record of service and contentions that you believe your documentation was falsified and that your discharge was unjust. Nevertheless, the Board found that these factors and contentions were not sufficient to warrant recharacterization of your discharge given your three NJP's for serious offenses. The Board also noted that you were fortunate to receive a general discharge since a discharge other than honorable conditions is often directed when an individual is discharged for misconduct. Concerning your contentions, there is no evidence in the record to support them, and you submitted no such evidence. 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,



for ROBERT D. ZSALMAN
Acting Executive Director