



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

REC
Docket No: 00468-12
1 November 2012

[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 24 October 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 on 11 August 1987, at age 18. On 26 April 1988, you received nonjudicial punishment (NJP) for unlawful entry into a petty officer's personal locker, and assaulting a fellow Sailor. On 29 July 1988, you received NJP for being in an unauthorized absence (UA) status on two occasions. ON 20 September 1988, you received NJP for misbehaving as a lookout by sleeping on watch. On 2 May 1989, you received NJP for being UA on three occasions, disobeying a lawful order, and failure to pay just debts. On 20 July 1989, you were convicted by a special court-martial (SPCM) of being UA for three days, three incidents of being disrespectful toward superiors, disobeying a lawful order, breaking restriction, willfully causing damage to a government vehicle, and communicating indecent language to a senior petty officer. You

were sentenced to a forfeiture of \$1,338, confinement at hard labor for 75 days, and a bad conduct discharge (BCD). The discharge authority directed the execution of your BCD. On 10 July 1990, after appellate review, you were so discharged.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your record of service. Nevertheless, the Board found that these factors were not sufficient to warrant recharacterization of your discharge given your record of four NJP's, and a conviction by a SPCM. 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