



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

REC
Docket No: 00477-12
25 October 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.

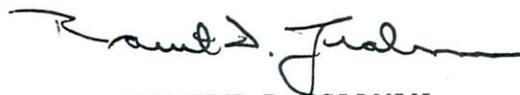
You enlisted in the Navy on 4 October 1989, at age 18. On 23 March 1990, you were in an unauthorized absence (UA) status for one day. Your chain of command decided not to impose any disciplinary action. On 18 April and 21 April 1990, you were UA on two occasions totaling three days, again with no disciplinary action taken against you. On 4 May 1990, you were UA for three days, with no disciplinary action taken. On 5 September and 1 October 1990, you were UA one day each, and no disciplinary action was taken against you. On 21 November 1990, you received nonjudicial punishment (NJP) for being UA for 12 days, missing your ship's movement, and wrongful use of marijuana. On 17 January 1991, you provided a urine sample that tested positive for wrongful use of cocaine, and your chain of command took no disciplinary action. On 29 January 1991, you were convicted by a summary court-martial (SCM) of being UA for five days, and

breaking restriction. You were sentenced to 54 days restriction. On 13 May 1991, you were advised that your commanding officer was recommending you for administrative separation with an other than honorable (OTH) discharge due to misconduct. You requested to have your case heard by an administrative discharge board (ADB). On 5 June 1991, an ADB was conducted and recommended that you receive an OTH characterization of service discharge due to misconduct (commission of a serious offense). On 9 June 1991, you were UA for over seven hours. On 14 June 1991, you were diagnosed with psychological and physical dependence on alcohol and recommended for Level III rehabilitation treatment. On 21 June 1991, your commanding officer agreed with the ADB and forwarded his recommendation that you receive an OTH discharge. On 8 July 1991, you were UA again for one day and no disciplinary action was taken. On 22 July 1991, the discharge authority directed an OTH discharge by reason of misconduct (commission of a serious offense). On 9 August 1991, you were so discharged. At that time you were assigned an RE-4 reentry code.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth, conduct, and overall record of service. Nevertheless, the Board found that these factors were not sufficient to warrant changing the characterization of your discharge, given your record of misconduct for which no disciplinary action was taken, one NJP, and conviction by a SCM. 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