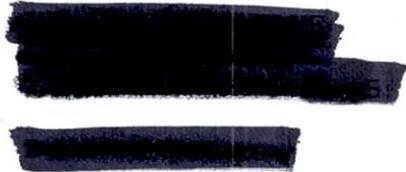




DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE ROAD, SUITE 1001
ARLINGTON, VA 22204-2490

TJR
Docket No: 784-12
25 October 2012



This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, 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 23 October 2012. The names and votes of the members of the panel will be furnished upon request. 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.

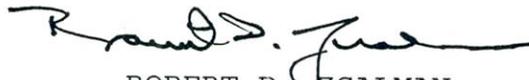
You enlisted in the Navy on 25 August 2003 at age 25 and immediately began a period of active duty. You served without disciplinary incident until 22 March 2006, when you were convicted by general court-martial (GCM) of failure to obey a lawful order, carnal knowledge, sodomy, indecent acts or liberties with a child, and wrongful production and possession of child pornography. You were sentenced to confinement for 25 years, forfeiture of all pay and allowances, reduction to paygrade E-1, and a dishonorable discharge (DD). A portion of the confinement, specifically 17 years, was suspended for 48 months. Subsequently, the DD was approved at all levels of review and on 18 August 2008, you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your desire to change the characterization of your DD to an other than honorable characterization of service and assertion of

medical problems. Nevertheless, these factors were not sufficient to warrant recharacterization of your DD given the seriousness of your misconduct. Accordingly, your application has been denied.

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 black ink, appearing to read "Robert D. Zsalmán", written in a cursive style.

ROBERT D. ZSALMAN
Acting Executive Director