



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

701 S COURTHOUSE RD SUITE 1001

ARLINGTON VA 22204-2490

BAN

Docket No: 02365-12

25 March 2013

[REDACTED]

[REDACTED]

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 20 March 2013. 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 entered active duty in the Navy on 16 June 1982, and served without disciplinary incident until 14 September 1984, when you were convicted at a general court-martial (GCM) of drunk and disorderly conduct, conspiracy, robbery, distributing a controlled substance, and wrongful possession of a controlled substance. You were awarded a bad conduct discharge (BCD). Additionally, your record is incomplete, but your medical records show that you were a brig inmate. Your service record shows that you were incarcerated from 14 September 1984 until 20 November 1986. Since you have not provided any documentation to the contrary, your record is presumed regular and is therefore, deemed as correct. After appellate review, on 20 June 1988, you were separated with a BCD due to your conviction at a GCM.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as

your claim that the charges were untrue and that they were racially motivated. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of the seriousness of your misconduct. Accordingly, your application has been denied. Regarding your allegation of racial prejudice, your record does not support it, and you have provided no supporting evidence. Additionally, the Board acknowledged your request for a personal appearance, but it was 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