



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

SJN  
Docket No: 05310-12  
3 April 2013



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 2 April 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.

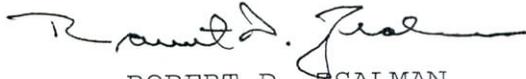
You enlisted in the Navy and began a period of active duty on 4 April 1983. The Board found that on 7 July 1983, you were counseled regarding your failure to adapt to the military environment. You were warned that further deficiencies and/or conduct could result in administrative discharge action. During the period from 15 January 1983 to 23 May 1985, you received six nonjudicial punishments (NJP's) for four instances of unauthorized absence (UA), two instances of assault and dereliction of duty. Subsequently, you were notified of pending administrative separation action by reason of misconduct due to frequent involvement of a discreditable nature with military authorities. After being advised of your procedural rights, you elected to consult counsel and have your case heard before an administrative discharge board (ADB). On 22 August 1985, the ADB recommended separation with an other than honorable (OTH) discharge by reason of misconduct. On 4 September 1985, you received a seventh NJP for two periods of UA. You received restriction, extra duty and a forfeiture of pay. On 20 September

1985, your commanding officer concurred with the ADB's findings and forwarded his recommendation that you be discharged. On 3 October 1985, the separation authority directed an OTH discharge by reason of misconduct. You were so discharged on 15 October 1985.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth and overall record of service. Nevertheless, the Board found that these factors were not sufficient to warrant any change in your discharge given your seven NJP's, and the fact that you were warned of the consequences of further misconduct. 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