



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

SJN
Docket No: 02419-13
12 February 2014



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 11 February 2014. 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.

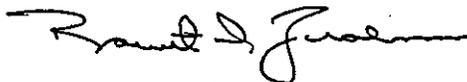
After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Navy and began a period of active duty on 28 August 1979. The Board found that during the period from 18 February 1981 to 2 November 1983, you received three nonjudicial punishments (NJP's) for being late for watch, drinking on duty, reporting for watch when unfit to assume the watch, and sleeping on duty. On 14 November 1983, you were counseled and warned that further misconduct could result in administrative discharge action. On 6 and 23 December 1983, you received NJP for two periods of unauthorized absence and disobedience. Subsequently, administrative discharge action was initiated by reason of misconduct due to a pattern of misconduct. You elected your rights to consult counsel and submit a statement. Your case was forwarded recommending that you receive a general discharge. On 5 January 1984, the separating authority concurred and directed your separation. On 20 January 1984, you were separated with a general discharge by reason of misconduct.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth, record of service, and desire to upgrade your discharge. Nevertheless, the Board found that these factors were not sufficient to warrant reinstatement to paygrade E-4 or recharacterization of your discharge given your five NJP's, two of which were after you were counseled and warned of the consequences of further misconduct. Finally, the Board also noted that you were fortunate to receive a general discharge since a discharge under other than honorable conditions is often directed when an individual is discharged for 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