



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

SJN
Docket No: 02510-13
12 March 2014

[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 11 March 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.

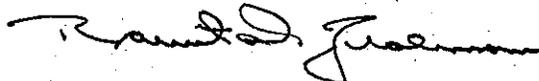
You enlisted in the Navy and began a period of active duty on 7 November 1989. The Board found that on 23 January 1990, you were counseled regarding a period of unauthorized absence (UA). You were warned that further misconduct could result in administrative discharge action. During the period from 29 January 1990 to 2 April 1991, you received three nonjudicial punishments (NJP's) for 10 days UA, larceny, and sleeping on watch. On 9 April 1991, you were counseled regarding your pattern of misconduct and warned that further misconduct could result in administrative discharge action. During the period from 5 June 1991 to 27 January 1992, you received three additional NJP's for two instances of disrespect, insubordinate conduct, two instances of disobedience, drunken or reckless driving, use of provoking speech, and use of indecent language. On 9 June 1992, you were convicted by civil authorities of driving under the influence (DUI) of alcohol. On 28 August 1992, you received NJP for being absent from your appointed place of duty, disobedience, dereliction of duty and use of indecent

language. Subsequently, administrative discharge action was initiated by reason of misconduct due to commission of a serious offense. You waived your rights to consult counsel, submit a statement or have your case heard by an administrative discharge board (ADB). On 2 October 1992, your case was forwarded recommending that you be discharged under other than honorable (OTH) conditions by reason of misconduct. On 7 October 1992, you received your eighth NJP for three instances of disobedience. On 22 October 1992, the separation authority concurred with your command's recommendation, and directed an OTH discharge by reason of misconduct due to commission of a serious offense. You were so discharged on 29 October 1992.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your record of service, post service accomplishments, character letters, and desire to upgrade your discharge. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge given your eight NJP's for serious offenses, seven of which were after you were warned of the consequences of further misconduct, and DUI conviction. Finally, the Board noted that you waived the right to an ADB, your best chance for retention or a better characterization of service. 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