



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

SJN
Docket No: 02986-13
10 April 2014

[REDACTED]

[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 8 April 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.

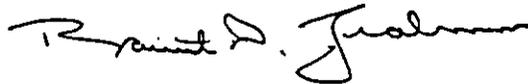
You enlisted in the Navy and began a period of active duty on 22 September 2003. The Board found that you received nonjudicial punishment (NJP) for larceny of a laptop computer, military property of a value of \$1200, and making a false official statement, with intent to deceive. You received restriction, a suspended forfeiture of pay, and a reduction in paygrade. Subsequently, administrative discharge action was initiated by reason of misconduct due to commission of a serious offense. You elected to consult counsel and have your case heard before an administrative discharge board (ADB). On 18 May 2007, the ADB found you had committed misconduct due to commission of a serious offense and recommended that you be separated from the service with an other than honorable (OTH) discharge by reason of

misconduct. On 4 June 2007, your commanding officer concurred with the ADB's findings and forwarded his recommendation that you receive an OTH discharge. He stated, in part, that you had no potential for further service. On 5 June 2007, the separation authority directed an OTH discharge by reason of misconduct due to commission of a serious offense. You were so discharged on 29 June 2007.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your record of service, post service medical issues and desire to upgrade your discharge. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge given your NJP for very serious offenses. 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