



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

CRS
Docket No: 4354-13
4 February 2014

[REDACTED]

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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 15 January 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 that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

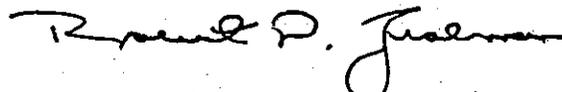
The Board found that you enlisted in the Navy on 18 August 1992. You received nonjudicial punishment on two occasions for failure to obey a lawful order, disrespect, and provoking gestures. On 25 January 1994 you were convicted by a Japanese civil court of larceny. The court sentenced you to forced labor for 18 months, which was suspended. Thereafter, on 23 February 1994 you received nonjudicial punishment for failure to go to your appointed place of duty on three occasions and absence from your appointed place of duty.

On 1 March 1994 your commanding officer recommended that you be separated with a discharge under other than honorable conditions by reason of misconduct due to a pattern of misconduct. Thereafter, on 25 March 1994 you received nonjudicial punishment for absence from your appointed place of duty, disrespect on two occasions, resisting arrest, wrongful use of marijuana, making provoking speeches or gestures on two occasions, simple assault, and communicating a threat on two occasions. On 6 April 1994 you were separated with a discharge under other than honorable conditions by reason of misconduct due to a pattern of misconduct.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth, overall record of service and your contention that you were falsely accused. The Board concluded that those factors were insufficient to warrant upgrade of your discharge, given the seriousness of your offenses. Regarding your contention, there is no evidence in the record that you were falsely accused of any of your disciplinary actions. 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 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