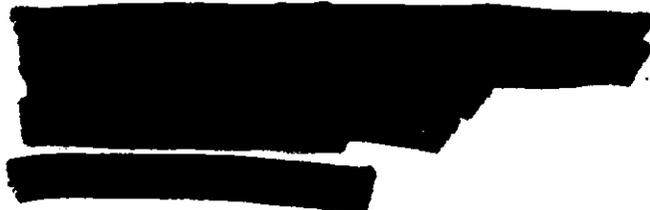




DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE ROAD, SUITE 1001
ARLINGTON, VA 22204-2490

TJR
Docket No: 4546-13
29 April 2014



This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, 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 April 2014. The names and votes of the members of the panel will be furnished upon request. 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 10 April 1990. About seven months later, on 7 December 1990, you began a period of unauthorized absence (UA) that was not terminated until 18 November 1991 when you were apprehended and held in confinement by civil authorities on charges of strong armed robbery. During this 346 day period of UA, you were also declared a deserter.

On 26 April 1991 you were convicted by civil authorities of armed violence, aggravated battery, and attempted robbery. You were sentenced to 36 months of supervised probation, 18 months periodic confinement, a \$25 probation fee, public defender fees, and court costs.

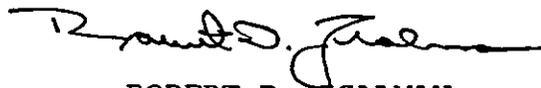
Subsequently, you were processed for an administrative separation by reason of misconduct due to conviction by civil authorities. After waiving your procedural rights, on 24 October 1991, your commanding officer recommended discharge under other than

honorable conditions by reason of misconduct due to conviction by civil authorities. On 13 November 1991 the discharge authority approved this recommendation and directed separation under other than honorable conditions by reason of misconduct, and on 18 November 1991 you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your desire to upgrade your discharge and assertion that you were not afforded legal representation. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of the seriousness of your misconduct. Further, you were given an opportunity to defend your actions, but waived your procedural right. Finally, there is documented evidence in the record which is contrary to your assertion. Accordingly, your application has been denied.

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