



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

TJR  
Docket No: 4906-13  
30 April 2014

[REDACTED]

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 23 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.

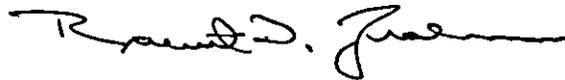
You enlisted in the Navy and began a period of active duty on 20 September 1989. You served without disciplinary incident until 3 September 1993, when you received nonjudicial punishment (NJP) for larceny, wrongful appropriation, and conspiracy. On 14 January 1994, you received NJP for wrongful use of a vehicle pass with the intent to deceive.

Subsequently, you were processed for an administrative separation by reason of misconduct due to commission of a serious offense. After consulting with legal counsel, you elected to present your case to an administrative discharge board (ADB). On 11 February 1994 an ADB recommended separation under honorable conditions by reason of misconduct due to commission of a serious offense. On 25 March 1994, your commanding officer also recommended discharge under honorable conditions by reason of misconduct due to commission of a serious offense. On 11 April 1994, the discharge authority approved these recommendations and directed separation under honorable conditions by reason of misconduct, and on 21 April 1994, you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your post service conduct and desire to upgrade your discharge. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of the seriousness of your misconduct which resulted in two NJPs. Finally, Sailors discharged by reason of misconduct normally receive discharges under other than honorable conditions, and as such, you were fortunate to receive a general discharge. 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