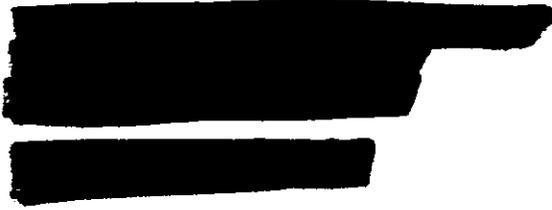




DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
701 S. COURTHOUSE ROAD, SUITE 1001  
ARLINGTON, VA 22204-2490

TAL  
Docket No: 5901-13  
12 June 2014



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 4 June 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.

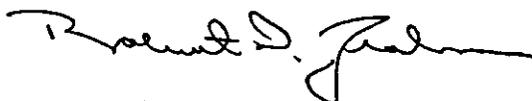
You enlisted in the Navy and began a period of active duty on 17 April 1981 at age 19. On 21 May 1981, you received nonjudicial punishment (NJP) for unauthorized absence (UA) from your unit for a period of 56 days and missing ship's movement. On 10 December 1981, you were convicted by special court-martial (SPCM) of UA from your unit for a period of 128 days. The sentence imposed was confinement at hard labor, reduction in paygrade and restriction. From 20 May through 9 December 1982, you received NJP on four occasions for failure to obey a lawful order from a commissioned officer, loss of government property, two instances of drunk and disorderly conduct, being drunk on duty, failure to report an offense, consuming alcohol on board a Naval vessel, destruction of government property, using provoking speech and gestures, assault, two instances of bringing discredit upon the Naval service and insubordinate

conduct toward a noncommissioned officer. After your third NJP, you were counseled regarding your misconduct and warned that further offenses could result in administrative separation. You were notified of pending administrative discharge processing with an other than honorable (OTH) discharge due to misconduct (frequent involvement). You waived all your procedural rights, including your right to an administrative discharge board (ADB). On 2 March 1983, you received the OTH discharge for misconduct (frequent involvement).

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth and overall record of service. Nevertheless, the Board found that these factors were not sufficient to warrant recharacterization of your discharge given the seriousness of your misconduct that resulted in five NJPs and an SPCM. 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