



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

SJN

Docket No: 00488-12

22 October 2012

[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 17 October 2012. 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.

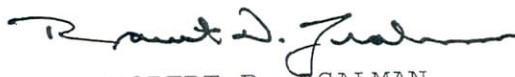
You enlisted in the Navy and began a period of active duty on 21 July 1988. The Board found that during the period from 22 March 1989 to 30 January 1991, you received four nonjudicial punishments (NJP's) for disobedience, three instances of unauthorized absence (UA), failing to go to your appointed place of duty, two instances of dereliction of duty, making a false official statement, and damaging government property. Additionally, you were counseled and warned on more than one occasion that further misconduct could result in administrative discharge action. 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 20 March 1991, you received a fifth NJP for failing to go to your appointed place of duty. On 22 April 1991, the ADB recommended separation with a general discharge by reason of misconduct due to commission of a serious offense. On 26 April 1991, your commanding officer concurred with the ADB's findings, but forwarded his recommendation that you be discharged with an other

than honorable (OTH) discharge. On 17 May 1991, the separation authority directed a general discharge by reason of misconduct due to commission of a serious offense. On 30 May 1991 you were so discharged. At that time, you were assigned an RE-4 reentry code and not recommended for reenlistment.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth, record of service, post service accomplishments and character letters. Nevertheless, the Board found that these factors were not sufficient to warrant recharacterization of your discharge or changing your reentry code given your five NJP's for serious offenses. An RE-4 reentry code must be assigned to all Sailors discharged due to misconduct. Finally, the Board noted that you were fortunate to receive a general discharge since a discharge under OTH conditions is often directed when an individual is discharged for misconduct. 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