



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

CRS
Docket No: 1915-13
11 April 2014

[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 11 December 2013. 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.

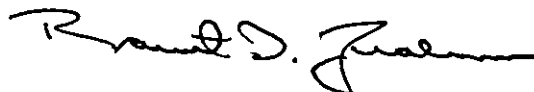
After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish material error or injustice.

The Board found that you enlisted in the Navy on 19 June 1978. It appears that you requested an other than honorable discharge for the good of the service to avoid trial by court-martial for two periods of unauthorized absence totaling 459 days. You received a discharge under other than honorable conditions on 21 October 2008 pursuant to your request for discharge for the good of the service in lieu of trial by court-martial. As a result of this action you were spared the stigma of a court-martial conviction and the potential penalties of a punitive discharge and confinement at hard labor.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth and overall record of service, but found these factors insufficient to warrant corrective action in your case. The Board concluded that your service was properly characterized as a discharge under other than honorable conditions. In addition, the Board believed that considerable clemency was extended to you when your request for discharge was approved. Further, the Board concluded that you received the benefit of your bargain when your request for discharge was granted. 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,

A handwritten signature in cursive script, appearing to read "Robert D. Zsalmán".

ROBERT D. ZSALMAN
Acting Executive Director