



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

TJR
Docket No: 3484-13
21 March 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 18 March 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.

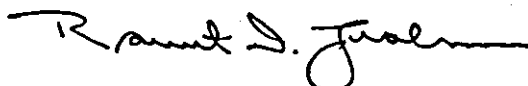
You enlisted in the Navy and began a period of active duty on 27 May 1988. You served for about nine months without disciplinary incident, but during the period from 21 February to 6 September 1989, you received nonjudicial punishment (NJP) on two occasions for a three day period of unauthorized absence (UA), absence from your appointed place of duty, and disobedience. On 8 November 1989 you were convicted by special court-martial (SPCM) of theft of a \$167.14 car stereo from a fellow shipmate, destruction of property valued at \$223.62, and failure to obey a lawful order by wrongfully possessing a knife. You were sentenced to confinement for four months, a \$800 forfeiture of pay, reduction to paygrade E-1, and a bad conduct discharge (BCD). The BCD was subsequently approved at all levels of review, and on 23 August 1990 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 post service conduct. Nevertheless, the Board concluded these factors were not

sufficient to warrant recharacterization of your discharge because of the seriousness of your repetitive misconduct which included theft from a fellow Sailor and resulted in two NJPs and an SPCM. 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