



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

SJN
Docket No: 03628-13
24 April 2014

[REDACTED]

[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 22 April 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.

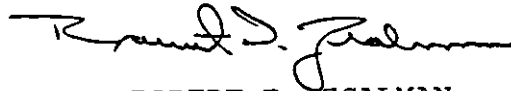
You enlisted in the Navy and began a period of active duty on 9 February 1982. The Board found that during the period from 3 June 1982 to 20 January 1984, you received five nonjudicial punishments (NJP's) for two instances of disobedience, larceny, misbehavior of a lookout, possession of a controlled substance, use of provoking speeches and gestures, assault, failing to go to your appointed place of duty, making a false official statement, damaging government property, 20 days of unauthorized absence (UA), disrespect, and breaking restriction. Additionally, you were counseled and warned after your fourth NJP, that further misconduct could result in administrative discharge action. Subsequently, you were notified of pending administrative separation action by reason of misconduct due to frequent involvement of a discreditable nature with military authorities. After being advised of your procedural rights, you waived the right to an administrative discharge board (ADB). On 2 June

1984, you received a sixth NJP for using provoking words. Your case was forwarded and on 11 June 1984, the separation authority directed discharge under other than honorable (OTH) conditions by reason of misconduct. On 27 June 1984, you received a seventh NJP for eight days of UA. You received the OTH discharge on 6 July 1984.

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 any change in your discharge given your seven NJP's, one of which involved the wrongful possession of a controlled substance, and two of which were after you were notified you were being administratively discharged from the Navy, and the fact that you were warned of the consequences of further misconduct after your fourth NJP. Finally, the Board noted that you waived 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