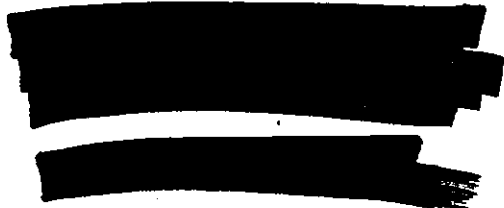




DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE ROAD, SUITE 1001
ARLINGTON, VA 22204-2490

TAL
Docket No: 3860-13
21 March 2014



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 19 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 20 December 1978 at age 20. You received nonjudicial punishment (NJP) on nine occasions for 15 instances of insubordinate conduct toward a noncommissioned officer, two instances of assault, breach of peace, five instances of failure to obey a lawful regulation, being derelict in the performance of duties, three instances of failure to go to your appointed place of duty and disrespect toward a superior commissioned officer. You were counseled on multiple occasions regarding your misconduct and warned that further offenses could result in administrative separation. On 10 February 1982, you were notified of pending administrative discharge processing with an other than honorable (OTH) discharge due to misconduct (frequent involvement). After consulting with legal counsel, you elected to present your

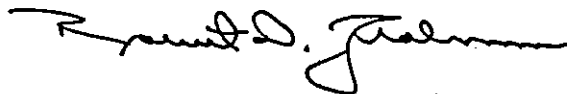
case to an administrative discharge board (ADB). On 24 February 1982, the ADB found that you committed misconduct and recommended that you be separated with an OTH discharge. The separation authority agreed with the recommendation of the ADB. Prior to your discharge you received NJP on two additional occasions, 23 April and 11 May 1982, for unauthorized absence from your unit for a day, failure to go to your appointed place of duty, insubordinate conduct toward a noncommissioned officer and failure to obey a lawful written order. On 14 May 1982, you received the OTH discharge for misconduct (frequent involvement).

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as youth and overall record of service. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge given the seriousness and repetitiveness of your misconduct that resulted in 11 NJPs. Finally, there is no provision of law or in Navy regulations that allows for recharacterization of service due solely to the passage of time. 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