



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

TAL  
Docket No: 4306-13.  
11 April 2014



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 2 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 7 June 1982 at age 18. You received nonjudicial punishment (NJP) on four occasions for willfully destroying government property, wrongful use of marijuana, abandoning your watch, failure to obey a lawful written regulation, and two instances of failure to go to your appointed place of duty. You were counseled regarding your misconduct and warned that further offenses could result in administrative separation. You were notified of pending administrative discharge processing with an other than honorable (OTH) discharge due to misconduct (pattern of misconduct). After consulting with legal counsel, you elected to present your case to an administrative discharge board (ADB). On 11 April 1985, an ADB voted unanimously that you did commit misconduct, and that you should be retained. The separation authority approved your retention in the Naval

Service. On 10 June 1985 you were convicted in civil court of driving under the influence (DUI) of alcohol. You were fined \$250, your driver's license was suspended for six months and you were confined for 30 days. The confinement was suspended for one year. On 13 June 1985, you received NJP for unauthorized absence (UA) from your unit for seven days and destruction of government property. You were again notified of pending administrative discharge processing with an OTH discharge due to misconduct (pattern of misconduct). You waived all of your procedural rights, including your right to an ADB. On 9 August 1985, you received the OTH discharge for misconduct (pattern of misconduct).

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth and overall record of service. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge given the seriousness of your misconduct that resulted in five NJPs and a civil conviction. The Board noted you waived the right to a second ADB, your best opportunity 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