



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

TJR  
Docket No: 4771-13  
29 April 2014

[REDACTED]

[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 15 April 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 1 November 1988. You served without disciplinary incident until 4 October 1990, when you received nonjudicial punishment (NJP) for missing the movement of your ship and a 17 day period of unauthorized absence (UA). About a year later, on 29 October 1991, you were convicted by special court-martial (SPCM) of a 50 day period of UA and missing the movement of your ship.

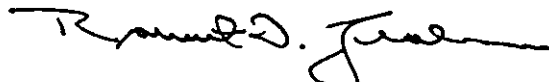
On 13 November 1991 you were processed for an administrative separation by reason of misconduct due to commission of a serious offense. After waiving your procedural rights, on 15 November 1991, your commanding officer recommended discharge under other than honorable conditions by reason of misconduct due to commission of a serious offense. On 20 November 1991 the discharge authority approved this recommendation and directed separation under other than honorable conditions by reason of misconduct, and on 4 December 1991 you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your post service conduct, desire to upgrade your discharge, and character reference letters. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of the seriousness of your misconduct. Further, you were given an opportunity to defend your actions, but waived your procedural right. Finally, no discharge is upgraded due solely to an individual's good post service conduct or the passage of time. Accordingly, your application has been denied.

In regard to your request to have the record corrected to reflect an enlistment date of 29 August 1988 on your Certificate of Release or Discharge from Active Duty (DD Form 214), you may wish to contact the Department of the Navy, Navy Personnel Command (BUPERS), Code Pers-312, 5720 Integrity Drive, Millington, TN 38055-3120, to request the issuance of a DD Form 215 with the correct enlistment date.

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