



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

TJR
Docket No: 4892-13
29 April 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 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 8 May 1987. You served for about five months without disciplinary incident, but on 29 October and again on 3 December 1987, you received nonjudicial punishment (NJP) for underage indulgence in alcoholic beverages, two specifications of making false official statements, larceny of government property, two specifications of failure to obey a lawful order, impersonating a petty officer, and two specifications of disobedience.

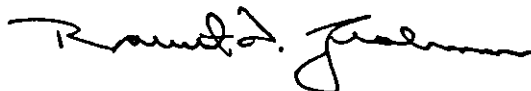
On 14 January 1988 you were notified of administrative separation by reason of misconduct due to commission of a serious offense. After consulting with legal counsel, you elected to present your case to an administrative discharge board (ADB). On 8 February 1988 an ADB recommended separation under other than honorable conditions by reason of misconduct due to commission of a serious offense. On 25 March 1988 your commanding officer, in concurrence with the ADB, also recommended discharge under other than honorable conditions by reason of misconduct due to

commission of a serious offense. Three days later, on 28 March 1988, you began a period of unauthorized absence (UA) that was not terminated until you were apprehended by civil authorities on 3 May 1988. During this period of UA you were also declared a deserter, however, the record does not reflect the disciplinary action taken for this 36 day period of UA. Subsequently, on 13 April 1988, the discharge authority approved the foregoing recommendations and directed discharge under other than honorable conditions by reason of misconduct, and on 20 May 1988 you were so separated.

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 assertion that you were not mentally stable enough to understand the consequences of your discharge. Nevertheless, the Board concluded these factors were not sufficient to warrant relief in your case because of the seriousness of your repetitive misconduct. Finally, there is no evidence in the record, and you provided none, to support your assertion of being mentally incompetent. 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