



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

TJR
Docket No: 4913-13
30 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, reconsidered your application on 23 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 that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

Your record reflects that on 28 October 1978 you received nonjudicial punishment (NJP) for selling or disposing of military property and failure to pay just debts. The punishment imposed was reduction to paygrade E-5.

It does not appear that you appealed the NJP or the punishment imposed; nor does it appear that you requested to have it set aside. As such, the Board concluded that your commanding officer's decision to impose NJP was appropriate and that it was administratively and procedurally correct, and appropriately written and filed.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your periods of prior satisfactory service and desire to be reinstated to paygrade E-6. It also considered your assertion that you were told that you would be reinstated to paygrade E-6 six months after your separation. Nevertheless, the Board concluded that these factors were not sufficient to warrant relief in your case. In this regard, the Board concluded that

there was no evidence in the record to support reinstating you to paygrade E-6, and in the absence of such evidence, and because you accepted NJP, the Board concluded that your commanding officer's decision to impose it, and the punishment imposed, were appropriate. 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,

A handwritten signature in cursive script, appearing to read "Robert D. Zsalmán".

ROBERT D. ZSALMAN
Acting Executive Director