



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

TAL  
Docket No: 5382-13  
21 May 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, reconsidered your application on 14 May 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, and your prior case file.

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 reenlisted in the Navy on 3 March 1986 after more than five years of prior honorable service. On 17 February 1987, you received nonjudicial punishment (NJP) for driving under the influence of alcohol. On 17 September 1987, you were admitted to the Alcohol Rehabilitation Department, Newport Navy Hospital, Newport, Rhode Island. On 23 September 1987, your treatment was terminated due to your negative behavior. You were warned that you would be held fully accountable for all of your behavior and actions and that administrative separation would be effected if you continued to be a problem at your command. On 15 March 1988, you were convicted by special court-martial (SPCM) of unauthorized absence (UA) from your unit for a period of 77 days and missing ship's movement. The sentence imposed was confinement, and reduction in paygrade. On 12 April 1988, you were notified of pending administrative discharge processing with an other than

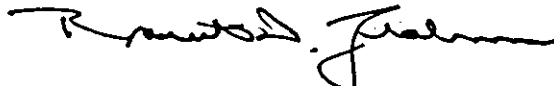
honorable (OTH) discharge due to misconduct. You waived all of your procedural rights, including your right to an administrative discharge board (ADB). On 25 July 1988, you received the OTH discharge for misconduct.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth and prior honorable service. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge due to the seriousness of your misconduct that resulted in an NJP and an SPCM. It is a fundamental tenet of military administrative law that a Sailor's service is characterized based on his record in the current enlistment. The Board noted that you waived the right to an ADB, your best chance for retention or a better characterization of service. Accordingly, your application has again been denied. The names and votes of the members of the panel will be furnished upon request.

The Board also noted that you should contact the Department of the Navy, Navy Personnel Command (BUPERS), Pers-3C, 5720 Integrity Drive, Millington, Tennessee 38055-3120 to request that administrative corrections be made to your Certificate of Discharge or Release from Active Duty (DD Form 214) such as, but not inclusive of, your date of birth, social security number, or record of service.

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