



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

CRS

Docket No: 7866-13

3 April 2014

[REDACTED]

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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 26 November 2013. 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.

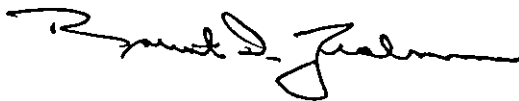
The Board found that you enlisted in the Navy on 18 October 1985. On 30 January 1987 a special court-martial convened and found you guilty of an unauthorized absence of 43 days, missing movement, and sentenced you to confinement at hard labor for 60 days, forfeiture of \$438.00 per month for two months, reduction in rate, and a bad conduct discharge (BCD). You were separated with a BCD on 16 September 1988.

In view of the seriousness of your misconduct your discharge was neither erroneous nor unjust. The Board carefully considered your contention to the effect that your discharge should be changed due to the provisions of Under Secretary of Defense Memorandum of 20 September 2011, but found those matters

insufficient to warrant any corrective action in your case. Further, the Memorandum of 20 September 2011 specifically states that it only applies to individuals discharged for homosexuality, not misconduct, for which you were discharged. 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