



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

ELP
Docket No. 6231-00
5 March 2001

Dear [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 for the Board for Correction of Navy Records, sitting in executive session, considered your application on 1 March 2001. 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 9 June 1980 for four years at age 18. The record reflects that you were advanced to SMSA (E-2) and served without incident until January 1981 when you were reported in an unauthorized absence (UA) status for four days from 2-6 January 1981. No disciplinary was taken and you were subsequently advanced to SMSN (E-3).

The record reflects your had two further UAs totalling about 43 days, from 11 May-9 June and 8-23 July 1983. You were convicted by special court-martial on 11 September 1983, presumably of the two foregoing periods of UA and other charges. However, the facts and circumstances surrounding the special court-martial conviction are not filed in the service record. You were apparently sentenced to a bad conduct discharge and were placed on appellate leave on 3 October 1983. The Navy Court of Military Review affirmed the findings and the sentence, and you received the bad conduct discharge on 12 June 1984.

In its review of your application, the Board carefully weighed all potentially mitigating factors such as your youth and immaturity, period of satisfactory service, and the fact that it has been more than 16 years since you were discharged. The Board noted your contentions but was also aware that you submitted no evidence in support of any of those assertions. Absent evidence to the contrary, your conviction and discharge were effected in accordance with applicable law and regulations, and the discharge appropriately characterizes your service. It is incumbent upon you to prove to the satisfaction of the Board that an error or injustice occurred. You provide neither probative evidence nor a persuasive argument in support of your application. The Board concluded that the discharge was proper and no change is warranted. 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,

W. DEAN PFEIFFER
Executive Director