



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

JRE
Docket No: 101-01
23 October 2001

Dear [REDACTED]

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 12 October 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 17 January 1983. You received nonjudicial punishment on three occasions for absence offenses, and were discharged on 25 April 1985, with a bad conduct discharge, after being convicted by special court-martial of an extended absence without authority. Although you were diagnosed as suffering from an immature personality disorder prior to your discharge, there is no indication in the available records that you suffered from a major mental disorder during your enlistment, or at the present time.

In the absence of evidence which demonstrates that your bad conduct discharge is erroneous or unjust, and which establishes that you were unfit by reason of physical disability which was incurred in or aggravated by your service, the Board was unable to recommend that your record be corrected to show that you were separated or retired by reason of physical disability. It concluded that your service was appropriately characterized with a bad conduct discharge, given your repeated acts of misconduct, and the absence of significant mitigating factors. It appears that the you spent the majority of your career either absent without

authority, in confinement, or awaiting execution of your bad conduct discharge, and that you performed limited useful service to the Navy. 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