



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

TJR
Docket No: 3184-01
20 November 2001

[REDACTED]

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 of the Board for Correction of Naval Records, sitting in executive session, considered your application on 6 November 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 the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found you enlisted in the Naval Reserve on 14 September 1977 at the age of 18, and began a period of active duty on 27 September 1977. Your record reflects that during the period from 21 January to 8 March 1978 you were in an unauthorized absence (UA) status on two occasions for 40 days. However, the record does not reflect what, if any, disciplinary action taken for these offenses.

Your record further reflects that on 6 April 1982 you were convicted by special court-martial (SPCM) of a 1,398 day period of UA. You were sentenced to confinement at hard labor for 75 days, forfeitures totalling \$1,101, reduction to paygrade E-1, and a bad conduct discharge (BCD). Subsequently, the BCD was approved at all levels of review, and on 19 May 1983 you received the BCD.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity, and your contention that your ability to served was impaired by a disability, specifically, a hearing problem. However, the Board concluded these factors and contention were not sufficient to warrant recharacterization of your discharge because of your frequent and lengthy periods of UA, which ultimately resulted in a court-martial conviction. The Board noted that you were diagnosed with a hearing problem in February 1978 and recommended for a hearing aid. However, you went UA before this corrective action could be implemented, and remained UA for nearly four years. Given the circumstances of your case, the Board concluded your discharge was proper as issued 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