



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

TJR
Docket No: 4397-01
30 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 27 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 Navy on 14 October 1980 at the age of 22. Your record reflects that on 19 May 1981 you received nonjudicial punishment (NJP) for two periods of unauthorized absence (UA) totalling 15 days and were awarded a \$250 forfeiture of pay and restriction and extra duty for 30 days. On 16 July 1981 you received NJP for three periods of absence from your appointed place of duty and possession of marijuana. The punishment imposed was a suspended reduction in rate, restriction and extra duty for 30 days, and a \$500 forfeiture of pay.

Your record further reflects that on 25 April 1983 you were convicted by special court-martial (SPCM) of three periods of UA totalling 434 days. You were sentenced to reduction to paygrade E-1, confinement at hard labor for three months, and a bad conduct discharge (BCD). The BCD was approved at all levels of review and on 28 February 1984 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. However, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of the seriousness of your repetitive misconduct, which resulted in two NJPs and a court-martial conviction. The Board noted your drug abuse, and that your total period of UA was well over a year. Given all 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