



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

TRG  
Docket No: 5505-01  
15 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 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 14 December 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.

You enlisted in the Navy at age 20 on 28 October 1966 at Cavite City, Philippines. The record shows that you satisfactorily completed initial training. On 22 March 1968 the recruiting detachment in the Philippines reported that you had fraudulently enlisted by falsifying documentation showing your educational level. On 18 June 1968 the Bureau of Naval Personnel directed that you be transferred to the Philippines for discharge processing, and you reported there on 7 July 1968.

On 28 August 1968 you began the first of a series of unauthorized absences which ultimately totaled about 483 days. A general court-martial convened on 20 May 1970 and convicted you of these periods of unauthorized absence. The court sentenced you to reduction to pay grade E-1, forfeiture of all pay and allowances, confinement at hard labor for six months and a bad conduct discharge. While your case was pending appellate review, you were an unauthorized absentee from 31 October 1970 until you were apprehended on 21 December 1972. The approved bad conduct discharge was issued on 8 January 1973.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth and contention, in effect, that you have been adequately punished for your offenses and should be allowed to receive benefits. The Board found that these factors and contentions were not sufficient to warrant recharacterization of your discharge given your repeated and lengthy periods of unauthorized absence. In addition, it is clear that you would have been issued an undesirable discharge by reason of fraudulent enlistment if you had not been convicted by court-martial of the unauthorized absences. The Board concluded that the 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