



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

WMP
Docket No: 2604-02
26 August 2002

[REDACTED]

[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 21 August 2002. 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 11 June 1985 for four years at age 19. The record reflects that you served without incident until 29 September 1986, when you received nonjudicial punishment (NJP) for unauthorized absence from 25 August to 3 September 1986, a period of 9 days. The punishment imposed was forfeitures of \$225 per month for two months and 20 days of restriction and extra duty.

On 13 April 1987 you received NJP for unauthorized absence from 23 to 25 March 1987, a period of two days, and missing ship's movement. The punishment imposed was a forfeiture of \$200 and 20 days of restriction.

Your record further reflects that on 29 October 1987 you were convicted by a special court-martial of four instances of

unauthorized absence from 22 June to 16 September 1987, 13 to 16 June 1987, 25 to 28 May 1987, and one unspecified period, for a total of about 96 days. You were sentenced to confinement at hard labor for 70 days, forfeitures of \$400 per month for three months, reduction to paygrade E-1, and a bad conduct discharge. On 29 December 1987, the convening authority approved the sentence but suspended that part of the sentence that called for confinement in excess of 60 days.

On 20 June 1988, upon completion of appellate review, execution of the bad conduct discharge was directed and, on 1 July 1988, you were so discharged.

In its review of your application the Board carefully weighed all potentially mitigating factors such as your youth and immaturity, your record of conduct and proficiency prior to the court-martial, and your contention that you suffered from an abusive childhood. However, the Board concluded that your conviction of four periods of unauthorized absence totaling more than 96 days warranted severe punishment, especially considering your prior disciplinary record. The Board thus concluded that the bad conduct discharge was appropriate and should not be upgraded. 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