



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

TRG
Docket No: 3162-02
14 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 13 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.

You enlisted in the Marine Corps on 10 January 1979 at age 19. On 18 June 1979 you received nonjudicial punishment for an unauthorized absence of about 29 days. A special court-martial convened on 11 March 1980 and convicted you of three periods of unauthorized absence totaling about 156 days. The court sentenced you to forfeitures of pay and six months confinement at hard labor. On 29 September 1980 you were convicted by another special court-martial of an unauthorized absence of about 104 days. The court sentenced you to forfeiture of \$290 pay per month for four months, confinement at hard labor for four months and a bad conduct discharge. You began appellate leave on 23 December 1980 and remained in that status until the bad conduct discharge was issued on 22 July 1982.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth, and your contentions that you have been a good citizen since discharge and only became an unauthorized absentee to assist the mother of your children. 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. 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