



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

WMP

Docket No: 3189-02  
28 August 2002

[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 28 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 2 June 1978 for four years at age 17. The record reflects that you served without incident until 31 August 1979, when you began a period of unauthorized absence (UA) which did not end until you surrendered to military authorities on 23 April 1985.

Your record reflects that on 21 May 1985 you were convicted by a special court-martial of the foregoing 2,062 day period of unauthorized absence. You were sentenced to confinement at hard labor for six months, forfeiture of \$413 per month for six months, reduction to paygrade E-1, and a bad conduct discharge. On 27 June 1985, the convening authority approved the adjudged sentence except for the part of the sentence extending to confinement and forfeitures remaining on or after 8 July 1985, which was suspended for a period of 12 months. On 22 January

1986, after completion of appellate review, you received the bad conduct discharge.

In its review of your application the Board carefully weighed all potentially mitigating factors such as your youth and immaturity. However, the Board concluded that your conviction of an unauthorized absence of over five years warranted severe punishment, which the court-martial correctly imposed. The Board concluded that your special court-martial and subsequent bad conduct discharge were appropriate, and the discharge should not be upgraded to honorable. 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