



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

WMP

Docket No: 4912-02
18 November 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 14 November 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 26 July 1976 for four years at age 17. On 8 May 1978 you received a psychiatric evaluation due to anxiety, depression, and suicidal ideation and were diagnosed with a passive aggressive personality disorder. It was recommended that you be processed for administrative separation due to the risk of harm to yourself and others.

On 2 June 1978 you were notified that separation action was being initiated by reason of unsuitability due to your diagnosed personality disorder. You were advised of and waived all of your procedural rights. On 5 June 1978, your proposed separation was forwarded to Chief of Naval Personnel (CNP), however, on 19 June 1978 you commenced a period of unauthorized absence prior to approval of your separation.

Your record reflects that you were an unauthorized absentee from 19 June 1978 to 30 January 1984, a period of 2,051 days. On 23 March 1984 you were convicted by a special court-martial of the 2,051 day period of unauthorized absence. You were sentenced to confinement at hard labor for six months, forfeiture of \$397 per month for six months, and a bad conduct discharge. On 4 April 1984, the convening authority approved the adjudged sentence, except for confinement in excess of 30 days and forfeitures in excess of \$397, both of which were suspended for 12 months. On 14 December 1984, upon 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, immaturity and your contention that you were not an unauthorized absentee. However, the Board concluded that your conviction of an unauthorized absence that lasted more than five years warranted severe punishment, which the court-martial correctly imposed. Furthermore, no evidence was provided to support your contention that you were not an unauthorized absentee and your record clearly supports the fact that you became an unauthorized absentee prior to the approval of the separation action. The Board thus concluded that the bad conduct discharge was appropriate and should not be changed. 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