



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

TJR
Docket No: 10272-02
12 September 2003

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, 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 9 September 2003. 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 the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Navy on 21 January 1974 at age 17. On 26 August 1975 you were convicted by special court-martial (SPCM) of a 297 day period of unauthorized absence (UA). You were sentenced to a \$1,374 forfeiture of pay, confinement at hard labor for four months, reduction to paygrade E-1, and a bad conduct discharge (BCD). The BCD was suspended for six months after your release from confinement.

During the period from 18 November 1975 to 4 August 1976 you were UA on two occasions for a total of 205 days. On 13 September 1976 the BCD awarded at the 26 August 1975 SPCM was ordered executed. On 22 September 1976 you received nonjudicial punishment for the foregoing periods of UA and were awarded a \$368 forfeiture of pay and restriction for 60 days. On that same day you received the BCD.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity and your contention that your offenses

were minor and pardonable. It also considered your contention that your periods of UA were uncontrollable. Nevertheless, the Board concluded these factors and contentions were not sufficient to warrant recharacterization of your discharge because of your repetitive and lengthy periods of UA which resulted in a court-martial conviction and a NJP. The Board also noted that the sentence to a BCD you received at an earlier court-martial was suspended, but upon your release from confinement, you committed two additional periods of UA. 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