



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

CRS
Docket No: 7075-06
2 October 2006



[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 7 September 2006. 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 reenlisted in the Navy after more than three years of prior active service. The record reflects that you received two nonjudicial punishments. The offenses included an unauthorized absence of one day and use of cocaine.

A special court-martial convened on 30 July 1987 and found you guilty of uttering worthless checks on six occasions and use of methamphetamine. The court sentenced you to confinement at hard labor for 45 days, reduction in rate and a bad conduct discharge. The convening authority (CA) approved the bad conduct discharge but did not order it executed at that time, pending appellate review. You received the bad conduct discharge on 7 July 1988, after completion of appellate review.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your contention that the discharge was not in accordance with the CA's action. However, the Board concluded that these factors were not sufficient to warrant recharacterization of your discharge due to the fact that your unauthorized absences totaled more than 11 months. In this

regard, all of your sentence was approved by the CA, but the bad conduct discharge could not be executed prior to the completion of appellate review. 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