



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

TRG  
Docket No: 8579-06  
15 February 2008

[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 12 February 2008. 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 Navy on 25 June 1984 at age 17 with an agreement for training in the Nuclear Field Program. On 13 December 1984 and 30 January 1985, you received nonjudicial punishment for three periods of unauthorized absence totaling about eight days, four instances of failure to go to your appointed place of duty and disobedience. On 16 March 1985 you began a period of unauthorized absence which lasted until you surrendered on 2 April 1986, a period of about 375 days.

A special court-martial convened on 9 May 1986 and convicted you of the 375 day period of unauthorized absence. The court sentenced you to a forfeiture of \$426 pay, confinement at hard labor for 20 days, reduction to pay grade E-1 and a bad conduct discharge. Subsequently, you waived appellate review of your court-martial conviction. The bad conduct discharge was issued on 16 July 1986.

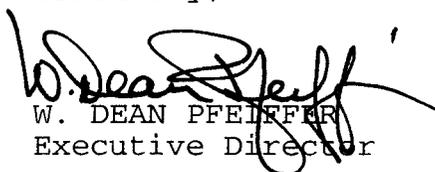
In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth, diagnosed personality disorder and your contention that the Navy had breached your contract by not sending you to nuclear training. The Board found that these factors and contention were not

sufficient to warrant recharacterization of your discharge given your disciplinary record and especially the 375 day period of unauthorized absence which resulted in your conviction by a special court-martial. There is nothing in your record concerning a breach of contract. However, it is clear that individuals with a disciplinary record and an adverse psychiatric evaluation would not be allowed to undergo nuclear training. 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