



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

TJR
Docket No: 8595-06
13 July 2007

[REDACTED]

[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 11 July 2007. 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 25 March 1975 at age 20. You served for one year and five months without disciplinary incident but on 31 August 1976 you received nonjudicial punishment (NJP) for disobedience and were awarded a \$25 forfeiture of pay.

During the period from 7 March to 18 April 1978 you were in an unauthorized absence (UA) status for 45 days. Shortly thereafter, on 18 April 1978, you began another period of UA that was not terminated until you were apprehended by civil authorities on 20 March 1979. During this period of UA you also missed the movement of your ship.

On 6 June 1979 you were convicted by special court-martial (SPCM) of the foregoing two periods of UA totalling 363 days. You were sentenced to a reduction to paygrade E-1, confinement at hard labor for two months, a \$300 forfeiture of pay, and a bad conduct discharge (BCD).

After the BCD was approved at all levels of review, on 25 August 1979 you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and assertion of being extremely distraught because of your mother's failing health and having to be deployed. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of the seriousness of your repetitive and lengthy periods of UA which resulted in NJP and a court-martial conviction. 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