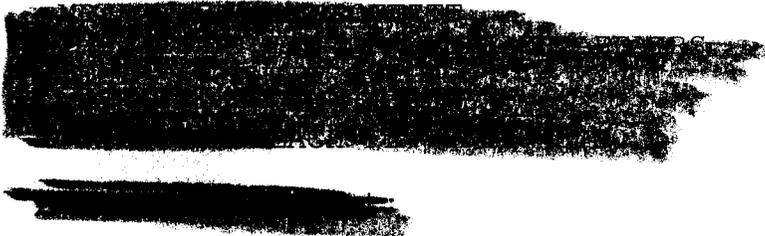




DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

TJR
Docket No: 3720-07
11 February 2008



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 7 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 the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Navy on 21 June 1988 at age 18 and served for nearly six months without disciplinary incident. However, during the period from 3 January to 6 March 1989 you were in an unauthorized absence (UA) status on two occasions, with the latter period being terminated when you were apprehended by civil authorities. As a result, on 7 March 1989, you were convicted by special court-martial (SPCM) of desertion as evidenced by a period of UA totalling 38 days and of a three day period of UA. You were sentenced to confinement for 45 days, a \$900 forfeiture of pay, and a bad conduct discharge (BCD). After the BCD was approved at all levels of review, on 12 October 1989 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 that you cannot be a productive citizen with a bad conduct discharge. It also considered your assertion that your superiors were aware of your whereabouts and therefore

you were not in a UA status. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of the seriousness of your lengthy period of UA, which resulted in a court-martial conviction. There is no evidence in the record, and you submitted none, to support your assertions. 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