



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

TJR
Docket No: 4503-07
11 February 2008

[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 5 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 reenlisted in the Navy on 19 June 1984 after four years of prior honorable service. You continued to serve without disciplinary incident until 4 December 1985, when you received nonjudicial punishment (NJP) for a 10 day period of unauthorized absence (UA) and were awarded extra duty for 20 days, a \$300 forfeiture of pay, and a suspended reduction in paygrade.

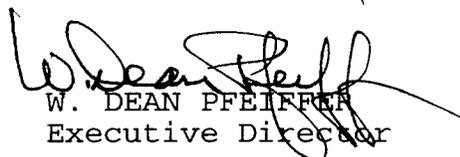
On 1 January 1987 you received NJP for a four day period of UA and were awarded restriction for 21 days, a \$400 forfeiture of pay, and a suspended reduction in paygrade. About four months later, on 16 April 1987, you began another period of UA that was not terminated until 11 July 1989. You were also in a UA status during the period from 1 to 5 September 1989. As a result, on 6 September 1989, you were convicted by special court-martial (SPCM) of two periods of UA totalling 821 days. You were sentenced to confinement at hard labor for three months, a \$1,398 forfeiture of pay, reduction to paygrade E-1, and a bad conduct discharge (BCD). After the BCD was approved at all levels of review, on 12 May 1990 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 desire to upgrade your discharge. It also considered your assertion that your periods of UA were due to family illness. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of the seriousness of your repetitive misconduct and lengthy period of UA from the Navy. 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