



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

TRG

Docket No: 5078-07
20 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 29 June 1998 and served until you were honorably discharged on 30 June 2006, a period of 8 years and 1 day. Your record contains an entry showing that you were an unauthorized absentee for about 12 hours on 8 February 1999. A record of unauthorized absence, dated 28 January 2000, is filed in your record and indicates that you were absent from 0630, 14 January to 1800, 17 January 2000, a period of about three days. The form states that the absence was not excused and that you would be charged with three days of lost time.

In your application you are requesting that the three day period of lost time be removed from your record because you were a good Sailor and never received any disciplinary action. The DD Form 214 issued on 30 June 2006 does not show any lost time.

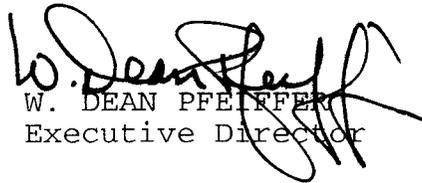
Regulations allow for a period of unauthorized absence to be charged as lost time at the command's discretion without disciplinary action. This is apparently what happened in your case. There is no other information concerning this matter filed in your service record. The Board concluded that you were properly charged with three days of lost time and there is no basis for removal of the lost time from your record. A copy of the record of unauthorized absence is enclosed for your

information.

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

Enclosure