



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

SMW
Docket No: 5833-07
25 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 21 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.

On 15 July 1996, you enlisted in the Navy at age 18. During the period 15 October 1996 to 30 April 1997, you were in an unauthorized absence (UA) status on two occasions totaling about 163 days. On 4 June 1997, you were convicted by a special court-martial of the 163 days of UA. The court sentenced you to confinement, forfeitures of pay, and a bad conduct discharge (BCD). After the BCD was approved at all levels of review, on 9 March 1998, you were so discharged and assigned an RE-4 reenlistment code.

The Board, in its review of your entire record, carefully considered all potential mitigation, such as your youth and desire for a better discharge. Nevertheless, the Board found that these factors were not sufficient to warrant recharacterization of your discharge or changing the reenlistment code due to the seriousness of your misconduct, specifically, more than five months of UA. 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