



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

TJR
Docket No: 7598-07
26 June 2008

[REDACTED]

Dear [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 24 June 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 26 June 1981 after nearly five years of prior honorable service. However, about a month later, on 24 July 1981, you received nonjudicial punishment (NJP) for failure to obey a lawful order. On 6 November 1981 you received NJP for dereliction of duty and making a false official statement.

During the period from 24 January to 12 August 1983 you were in an unauthorized absence (UA) status on four occasions for 167 days. However, the record reflects that disciplinary action was not taken for a six day period of this UA. Nonetheless, on 15 September 1983, you were convicted by special court-martial (SPCM) of three periods of UA totalling 161 days. You were sentenced to confinement at hard labor for 45 days, a \$600 forfeiture of pay, reduction to paygrade E-1, and a bad conduct discharge (BCD). On 30 September 1983 you were again UA for one day but disciplinary action was not taken for this period of UA.

Subsequently, the BCD was approved at all levels of review and on 5 December 1984 you were so discharged.

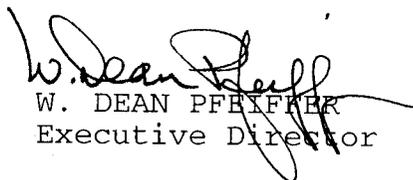
The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your prior honorable service and assertion of being assaulted. It also considered your assertion that your period of UA was because you were traumatized after being beaten by fellow Sailors. 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 periods of UA from the Navy which resulted in two NJPs and a court-martial conviction. Finally, there is no evidence in the record, and you submitted none, to support your assertions. Accordingly, your application has been denied.

You should contact the Department of the Navy, Navy Personnel Command (BUPERS), Sailor Assistance Center, Code Pers-312F, 5720 Integrity Drive, Millington, TN 38055-3120 to request administrative corrections and/or to correct typographical errors on your Certificate of Release or Discharge from Active Duty (DD Form 214).

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