



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

TJR  
Docket No: 7736-07  
20 August 2008

[REDACTED]

[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 19 August 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 Naval Reserve on 2 February 1978 at age 18 and served without disciplinary incident until 13 July 1978, when you received nonjudicial punishment (NJP) for failure to obey a lawful order. The punishment imposed was restriction and extra duty for 45 days and a \$396 forfeiture of pay.

Your record also reflects a five hour period of absence from your appointed place of duty and 12 periods of unauthorized absence (UA) totalling 49 days during the period from 14 June 1979 to 10 April 1981. However, the record does not reflect the disciplinary action taken, if any, for these periods of absence. Nevertheless, on 15 May 1981, you were convicted by special court-martial (SPCM) of three periods of UA totalling 687 days. You were sentenced to confinement for six months, a \$660 forfeiture of pay, and a bad conduct discharge (BCD).

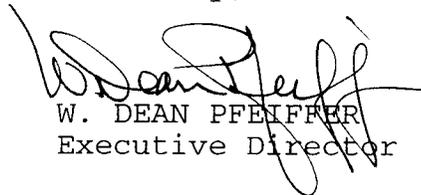
During the period from 7 July 1981 to 22 February 1985 you were again in a UA status on two occasions for 1,315 days and declared a deserter on both occasions. However, the record does not reflect that any disciplinary action was taken for these absences. Nonetheless, after the BCD was approved at all levels of review, on 28 February 1986 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 assertions that you requested help, but did not receive any, for your diagnosed mental health issues, you informed your superiors of your suffering from depression and an acute panic disorder but were not taken seriously, and that your periods of UA were to seek help for your mental health problems. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of the seriousness of your repetitive and lengthy periods 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 PFENFFER  
Executive Director