



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

CRS
Docket No: 8003-07
21 November 2008

[REDACTED]

[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 19 November 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.

The Board found that you enlisted in the Navy on 11 August 1980. On 23 April 1982 you received nonjudicial punishment for two periods of unauthorized absence. On 11 October 1983 you were convicted by civil authorities of robbery and use of a firearm in the commission of a felony. The court sentenced you to confinement for ten years with eight years suspended, and three years probation. You were released from prison and restored to duty on 10 June 1984. On 14 June 1984, you received nonjudicial punishment for disrespect and assault on a superior by striking him with a helmet.

A special court-martial convened on 16 July 1984 and found you guilty of seven periods of unauthorized absence of a total duration of about seven months. The court sentenced you to confinement at hard labor for 60 days, forfeiture of \$200 per month for three months, and a bad conduct discharge. You were separated from the Navy on 28 May 1986, with a bad conduct discharge.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth and personal problems, but concluded that those factors are insufficient to

warrant upgrading your discharge given the large number and serious nature of your civil and military offenses. 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