



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

JRE  
Docket No. 08794-07  
1 August 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 31 July 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 16 December 1966. You underwent a pre-separation physical examination on 25 April 1974 and were found qualified for separation. You completed a medical history report on that date in which you denied having a history or current symptoms of nervous trouble of any sort. You were separated from the Navy with a bad conduct discharge on 26 April 1974, pursuant to the approved findings and sentence of a special court-martial which convicted you of periods of unauthorized absence of a total duration in

excess of four years, and escaping from custody. Although was was a question concerning your sanity prior to your trial, you were ultimately found sane and mentally responsible.

The Board was not persuaded that you were unfit for further service by reason of physical disability that was incurred while you were entitled to basic pay. It noted that you would not have been entitled to disability separation or retirement even if you had been unfit for duty, as your trial and bad conduct discharge would have taken precedence over disability evaluation processing. Accordingly, and as you have not demonstrated that it would be in the interest of justice for the Board to upgrade your discharge as a matter of clemency, 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