



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

TJR  
Docket No: 11234-07  
14 November 2008

[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 13 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 the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Navy on 19 November 1980 at age 17 and served without disciplinary incident until 13 October 1983, when you received nonjudicial punishment (NJP) for four periods of absence from your appointed place of duty, disobedience, and three specifications of communicating threats. The punishment imposed was restriction and extra duty for 30 days, a \$300 forfeiture of pay, and reduction to paygrade E-2.

On 3 February 1984 you were convicted by special court-martial (SPCM) of assault with a dangerous weapon and jumping ship. You were sentenced to confinement at hard labor for three months, a \$1,050 forfeiture of pay, reduction to paygrade E-1, and a bad conduct discharge (BCD). On 25 June 1984 you began a period of unauthorized absence (UA). During this period of UA the BCD was approved at all levels of review, and on 19 September 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 youth, post service conduct, and assertion that you received a BCD after being disrespected and assaulting a fellow Sailor. It also considered your request to upgrade your discharge so that you may obtain benefits. Nevertheless, these factors were not sufficient to warrant recharacterization of your discharge because of the seriousness of your repetitive misconduct and lengthy period of UA from the Navy. 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