



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

TJR
Docket No: 152-08
1 December 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 25 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 10 December 1974 at age 17 and served for two years and 10 months without disciplinary incident. However, on 10 January 1979, you were convicted by special court-martial (SPCM) of a 316 day period of unauthorized absence (UA) and sentenced to reduction to paygrade E-2, a \$525 forfeiture of pay, and confinement at hard labor for three months.

On 21 July 1981 you were again convicted by SPCM of a 758 day period of UA. You were sentenced to confinement at hard labor for 60 days, reduction to paygrade E-1, a \$668 forfeiture of pay, and a bad conduct discharge (BCD). Subsequently, the BCD was approved at all levels of review, and on 12 August 1982 you were so discharged.

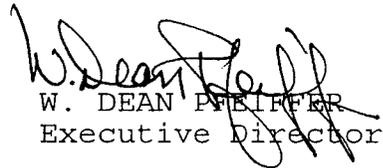
The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and assertion that your periods of UA were due to conflicts with your superiors, not wanting to be transferred, and only feeling safe at home. Nevertheless, these factors were not sufficient to warrant recharacterization of your discharge

because of the seriousness of your repetitive and lengthy periods of UA which resulted in two court-martial convictions. Finally, there is no evidence in your record, and you submitted none, to support your assertion. 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