



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

RDZ:ecb  
Docket No. 01439-08  
24 November 2008

[REDACTED]

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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.

You enlisted in the Navy on 1 May 1969 at age 18. On 24 April 1970 you received nonjudicial punishment (NJP) for 13 days of unauthorized absence (UA). You received a second NJP on 11 August 1970 for seven days of UA. On 4 March 1971 you were tried and convicted by special court-martial of two periods of UA totaling 131 days and missing movement. Both periods of UA were terminated when you were apprehended. The sentence of court as finally approved consisted of a bad conduct discharge (BCD), three months confinement at hard labor, forfeiture of pay and reduction in rank. On 7 May 1971 you requested that you be

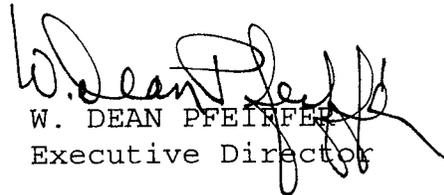
given the BCD and stated that if you were returned to duty you would go UA again. You received your BCD on 3 September 1971.

In its review of your application the Board took into account all matters in extenuation and mitigation such as your youth and contention that your offenses were the direct result of family problems. Nevertheless the concluded that in view of your repetitive misconduct and the seriousness of the offenses for which you were court-martialed your discharge was proper as issued and should not be changed now as a matter of clemency.

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