



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

TRG  
Docket No: 2341-08  
17 November 2008



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

You were honorably discharged from the Navy Reserve on 6 April 1982 with about three years of active duty. You enlisted in the Navy on 26 April 1982, During the period from 5 December 1983 to 12 September 1984, you received nonjudicial punishment on three occasions and were convicted by a special court-martial. Your offenses were five periods of unauthorized absence totaling about 198 days and use of marijuana. On 11 October 1984 you began a period of unauthorized absence which lasted until you surrendered on 28 March 1987, which was a period of about 1247 days. A special court-martial convened on 11 May 1988 and convicted you of that period of absence. The sentence of the court included a bad conduct discharge. On 3 June 1988 you were released from confinement. The bad conduct discharge was issued on 19 May 1988 upon completion of appellate review of your court-martial.

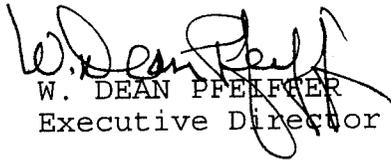
In its review of your application the Board carefully weighed all potentially mitigating factors, such as your prior honorable service and your contention, in effect, that you have been a good citizen for many years. The Board found that these factors and contention were not sufficient to warrant recharacterization of your discharge given your disciplinary record and especially your conviction by a special court-martial of a serious offense. The Board concluded that the discharge was proper as issued and no

change is warranted.

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