



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

SJN
Docket No: 03391-08
6 March 2009

[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 3 March 2009. 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.

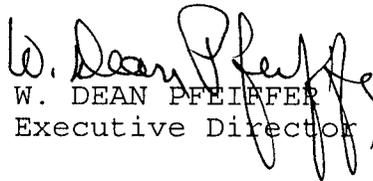
You enlisted in the Navy and began a period of active duty on 30 August 1965 at age 18. On 31 August 1966, you were convicted by special court-martial (SPCM) of two specifications of unauthorized absence (UA) totaling 159 days. You were sentenced to confinement at hard labor, a forfeiture of pay, and a bad conduct discharge (BCD). However, the convening authority suspended portions of your punishment to include suspending the BCD for six months. On 23 March 1967 and 5 April 1968, you were convicted by SPCM of periods of UA totaling 259 days. As a result of your last SPCM, you were sentenced to confinement at hard labor, a forfeiture of pay, and a BCD. On 19 July 1968, you waived your right to request restoration to full duty and subsequently received the BCD after appellate review was completed.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and overall record of service. Nevertheless, the Board found that these factors were not sufficient to warrant

recharacterization of your discharge given your three SPCM convictions for periods of UA totaling over 13 months. 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