



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

CRS
Docket No: 5083-08
23 June 2008

[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 11 June 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.

The Board found that you reenlisted in the Navy on 2 June 1981 after more than 14 years of prior active service. On 13 September 1987 you were convicted by a special court-martial of unauthorized absences totaling 95 days.

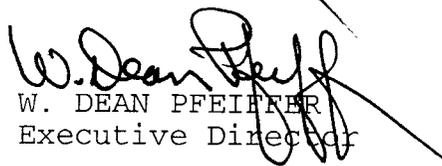
On 17 January 1986 a general court-martial convened and found you guilty of attempting to steal \$100,000 from the ITT Insurance Company, conspiring to steal \$100,000 and \$35,000, an unauthorized absence from 9 April to 15 October 1985 with the intent to remain permanently away, and making a false and fraudulent claim for \$35,000 from the Servicemen Group Life Insurance. The court sentenced you to confinement for five years, reduction to pay grade E-1, forfeiture of all pay and allowances, and a dishonorable discharge. You received the dishonorable discharge on 19 April 1988.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your overall service, family problems, and the contention that you were unjustly court-martialed since you did not commit the charged offenses. The

Board concluded that those factors were insufficient to warrant recharacterization of your service, given the seriousness of the charges of which you were convicted. In addition, the Board has no authority to disturb the findings or sentence of a court-martial based on claims of legal error. 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