



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

RDZ:ecb
Docket No. 06084-08
21 November 2008

[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 18 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.

Your record shows that you served on active duty in the Navy from 13 January 1987 until 12 January 1989 when you were honorably discharged. On 27 September 1990 you enlisted in the Marine Corps at age 26. You received nonjudicial punishment (NJP) on 28 January 1991 for being absent from your appointed place of duty. Some two months later you began a period of unauthorized absence (UA) that lasted for over three years and was only terminated when you were arrested by civil authorities. More specifically you went UA on 3 March 1991 and were apprehended on 20 March 1994 resulting in a total period of UA of 1114 days.

Upon your return to military control you requested that you be given an administrative discharge under other than honorable conditions (OTH) rather than be tried by court-martial for 1114 days of UA. Your request was granted and you thereby avoided the stigma of a court-martial conviction as well as the imposition of a bad conduct discharge and having to serve a substantial period of confinement at hard labor.

In its deliberations the Board concluded that your OTH discharge was more than warranted by your extremely lengthy period of UA which was only terminated by apprehension. Moreover the Board concluded that you received considerable clemency when your request to avoid trial court-martial was granted and that additional clemency was not warranted.

Regarding your request for corrections to your DD Form 214 this matter was referred to Marine Corps authorities who have informed the Board that a corrected DD Form 214 will be issued to you.

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