



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

TJR  
Docket No: 7579-08  
12 June 2009

[REDACTED]

Dear [REDACTED]:

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, 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 10 June 2009. The names and votes of the members of the panel will be furnished upon request. 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 reenlisted in the Navy on 26 February 1982 after nearly 18 years of prior honorable service. You continued to serve without disciplinary incident until 13 October 1982, when you received nonjudicial punishment (NJP) for a one day period of unauthorized absence (UA). About eight months later, on 2 June 1983, you received NJP for two specifications of failure to obey a lawful order. On 16 August and again on 5 December 1984 you received NJP for five periods of UA totalling 36 days.

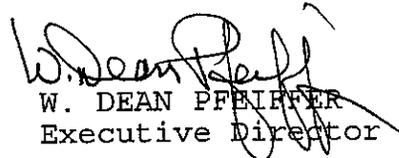
On 6 February 1985 you were convicted by summary court-martial (SCM) of two periods of UA totalling 45 days and sentenced to a reduction in paygrade and a \$200 forfeiture of pay. On 25 October 1985 you were convicted by special court-martial (SPCM) of two periods of UA totalling 163 days, failure to go to your appointed place of duty, wrongful appropriation, and breaking restriction. You were sentenced to a bad conduct discharge (BCD).

During the period from 31 October 1985 to 28 May 1986 you were in a UA status on two occasions for 190 days. On 28 October 1986, the BCD was approved at all levels of review and on 12 December 1986 you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your prior honorable service and desire to upgrade your discharge. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your BCD because of the seriousness of your repetitive and lengthy periods of UA which resulted in four NJPs and two court-martial convictions. Accordingly, your application has been denied.

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