



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

BAN
Docket No: 07724-08
16 June 2009



Dear _____:

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 5 June 2009. Your allegations of error and justice 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 first enlisted in the Navy from 1978 to 1986 and received an honorable discharge. You reenlisted on 27 June 1986, and served without disciplinary incident until 25 September 1987, when you were in an unauthorized absence (UA) status for three days. Additionally, you were UA from 2 December 1987 to 19 February 1988. Therefore, on 15 April 1988, you were convicted at a special court-martial (SPCM) for the aforementioned UA's, missing ship's movement, illegal drug use, larceny, and forgery. Your sentence included a bad conduct discharge (BCD). On 1 December 1988, after appellate review, you were separated from the naval service with a BCD and an RE-4 reenlistment code due to your conviction at a SPCM.

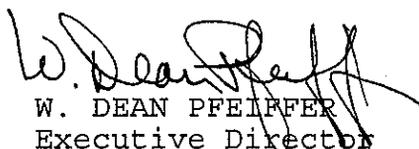
The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as

your youth and belief that enough time has elapsed to warrant upgrading your discharge. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of the seriousness of your misconduct. Further, there is no provision in the law or regulations that allows for recharacterization of service due solely to the passage of time. 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