



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

TRG  
Docket No: 8768-08  
15 January 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 13 January 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 that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

Regulations require that an individual be declared a deserter when they have been an unauthorized absentee for over 30 days. A review of your record reveals that you were an unauthorized absentee from 2 March 1991 and were declared a deserter on 1 April 1991. You subsequently surrendered to terminate the period of desertion on 17 April 1991. You were again an unauthorized absentee from 26 April 1991 and were declared a deserter on 27 May 1997. You were apprehended by civil authorities on 14 June 1991 and were returned to military control that same day.

Although the separation package is not filed in your record, your DD Form 214 shows that you requested discharge for the good of the service to avoid trial by court-martial apparently for the two periods of unauthorized absence set forth above. You were discharged under other than honorable conditions in August 1991.

In view of the foregoing, you have not been considered a deserter by the Navy since 14 June 1991. Therefore, there is no basis for a correction to your Navy record.

Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request. Copies of the documentation in your record showing that you are no longer a deserter are enclosed. This documentation should be

provided to any other government agency that still considers you to be a deserter.

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