



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

BAN  
Docket No: 01646-08  
2 October 2008

[REDACTED]

[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 30 September 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 the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Navy on 10 March 1978, and from 14 August 1978 to 21 January 1979, you were in an unauthorized absence (UA) status on five different occasions ranging from a one hour UA to four and one half months of UA. Due to these UA's and failing to obey a lawful order, you were pending a special court-martial (SPCM).

On 16 February 1979, through counsel, you requested to be separated for the good of the service in lieu of a SPCM. On 26 February 1979, your request was approved. On 14 March 1979, you were separated with an other than honorable (OTH) discharge, and an RE-4 reenlistment code.


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

your youth, post service conduct, and the passage of time. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of the seriousness of your misconduct. 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