



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

TJR  
Docket No: 1704-09  
15 December 2009

[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 8 December 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 enlisted in the Navy on 17 September 1968 at age 19 and served without disciplinary incident until 13 May 1969, when you received nonjudicial punishment (NJP) for a three day period of unauthorized absence (UA) and missing the movement of your ship. About two months later, on 8 July 1969, you received NJP for absence from your appointed place of duty.

On 4 May and again on 29 June 1970 you were convicted by special court-martial (SPCM) of three periods of UA totalling 48 days. On 27 July and 3 September 1970, you received NJP for two periods of UA totalling 13 days.

On 12 April 1971 you were convicted by SPCM of three periods of UA totalling 111 days. You were sentenced to confinement at hard labor for five months, a \$475 forfeiture of pay, and a bad

conduct discharge (BCD). On 16 July 1971 you submitted a written request for immediate execution of the BCD in which you stated, in part, that you did not want to go back to duty, just wanted out of the Navy, and expressed that the Navy was not your way of life. Subsequently, the BCD was approved at all levels of review, and on 13 August 1971, you were issued a BCD.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and desire to upgrade your discharge. Nevertheless, these factors were not sufficient to warrant recharacterization of your discharge given the frequency and seriousness of your lengthy periods of UA from the Navy. 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