



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

CRS
Docket No: 4435-09
29 May 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 28 May 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.

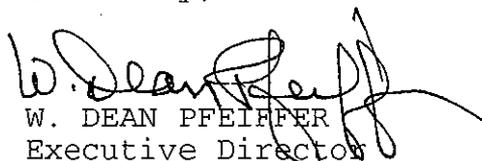
The Board found that you enlisted in the Navy on 7 May 1982. You received three nonjudicial punishments for offenses that included four periods of unauthorized absence, and two order violations.

A special court-martial convened on 10 February 1986 and found you guilty of a unspecified period of unauthorized absence. The court sentenced you to forfeitures of \$100.00 per month for two months, reduction in rank, and a bad conduct discharge. You were discharged with a bad conduct discharge on 16 April 1987.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth, overall record of service, and the contention that since the Navy does not have a copy of your special court-martial record of trial, the trial never occurred. The Board concluded that those factors were insufficient to warrant recharacterization of your discharge, given your extensive disciplinary record. Further, while you provided evidence that the record of your trial by special court-martial cannot be located, it does not mean that the trial did not occur or that you did not receive a bad conduct discharge. 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