



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

TJR  
Docket No: 7446-09  
11 June 2010

[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 9 June 2010. 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 January 1978 at age 18 and served for about five months without disciplinary infractions. However, during the period from 30 May 1978 to 14 October 1980 you were in an unauthorized absence (UA) status on four occasions. As a result, on 8 December 1980, you were convicted by special court-martial of four periods of UA totalling 744 days and sentenced to a \$1,000 forfeiture of pay, confinement at hard labor for 60 days, and a bad conduct discharge (BCD). Subsequently, the BCD was approved at all levels of review, and on 2 June 1982, 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. It also considered your assertions that you received inadequate legal representation, were pushed through an administrative discharge process, and were discharged because of low math skills. Nevertheless, these factors were not sufficient to warrant recharacterization of your discharge because of the seriousness

of your repetitive and lengthy periods of UA from the Navy. Finally, there is no evidence in the record, and you submitted none, to support our assertions. 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