



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

CRS  
Docket No: 7630-09  
23 October 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 15 October 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 reenlisted in the Navy on 12 December 1985. You received nonjudicial punishment on three occasions for offenses that included three periods of unauthorized absence, insubordination, willful disobedience of a lawful order, and failure to obey a lawful order.

A special court-martial convened on 16 May 1990 and found you guilty of an unauthorized absence of 1356 days, and sentenced you to confinement for six months, forfeitures of \$482 pay per month for six months, and a bad conduct discharge. You were separated from the Navy with a bad conduct discharge on 27 February 1991.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth and overall service, as well as your contention that your lawyer informed you that the discharge would be changed. The Board concluded that the mitigating factors present in your case are insufficient to warrant recharacterization of your service, given your extensive disciplinary record and the serious nature of your offense, as indicated by the lengthy sentence to confinement at hard labor

that was adjudged in your case. 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