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

HD:hd
Docket No. 10020-09
8 January 2010

[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. You requested, in effect, removing all documentation pertaining to unauthorized absences (UA's) in 1980 and 1981. You also requested removing documentation that reveals your discharge on 19 June 1981 was originally characterized as under other than honorable conditions (the characterization was upgraded to general in your previous case, docket number 1486-97). Finally, you requested that your digital record be corrected to remove the erroneous designation of certain documents as a "Court Memorandum."

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 7 January 2010. 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. In addition, the Board considered the advisory opinion furnished by the Navy Personnel Command (NPC) dated 22 October 2009, a copy of which is attached. The Board also considered your letter dated 10 November 2009.

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. In this connection, the Board substantially

concluded with the comments contained in the advisory opinion. The Board found its previous decision, a copy of which is on file in your record, expressly did not condone your UA's or in any way invalidate them, nor did it direct removing from your record documentation inconsistent with the Board's action. You may ask NPC (PERS-313D) to correct the erroneous designation of certain documents as a "Court Memorandum." In view of the above, 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

Enclosure