



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

TJR
Docket No: 287-10
13 October 2010

[REDACTED]

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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 6 October 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.

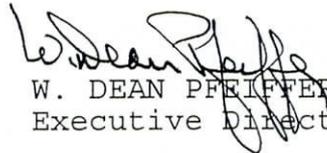
You enlisted in the Navy on 8 September 1981 at age 19 and began a period of active duty. You served without disciplinary incident until 6 April 1984, when you were convicted by special court-martial (SPCM) of six periods of unauthorized absence (UA) totalling 603 days, housebreaking, and theft of a moped and television. You were sentenced to confinement at hard labor for five months, a \$2,340 forfeiture of pay, and a bad conduct discharge (BCD). Subsequently, on 13 August 1984, the BCD was approved at all levels of review, and on 8 July 1985, 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 your discharge was based on an isolated incident and that it was unjust because there were others involved in the same incident that did not receive BCDs. Nevertheless, these factors were not sufficient to warrant recharacterization of your discharge given the seriousness of

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