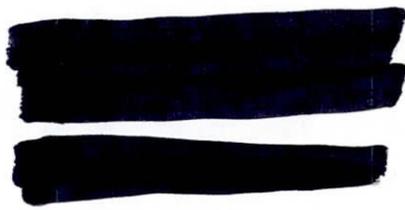




DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

TJR
Docket No: 1613-10
18 November 2010



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 16 November 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 reenlisted in the Navy on 24 March 1983 after six years of prior honorable service. You continued to serve without disciplinary infraction for about two months, but during the period from 23 June 1983 to 17 March 1985, you were in an unauthorized absence (UA) status on three occasions.

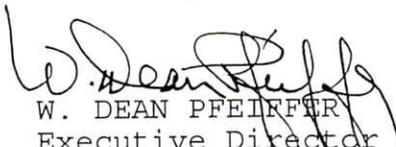
As a result of the foregoing, on 22 May 1985, you were convicted by special court-martial (SPCM) of three periods of UA totalling 424 days and five specifications of larceny, specifically, theft of five paychecks totalling \$1,871. You were sentenced to confinement at hard labor for 90 days, a \$1,200 forfeiture of pay, reduction to paygrade E-1, and a bad conduct discharge (BCD). On 9 March 1985 the BCD was approved at all levels of review, and on 18 October 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 period of prior honorable service and desire to upgrade your discharge. 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. 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