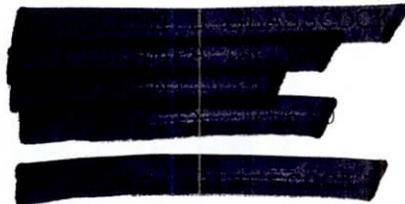




DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

TJR
Docket No: 3651-10
9 February 2011



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 8 February 2011. 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 10 October 1967 after nearly 15 years of prior honorable service. You served without disciplinary infraction until 21 August 1970, when you received nonjudicial punishment (NJP) for an 11 day period of unauthorized absence (UA).

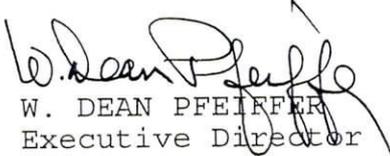
On 9 May 1972 you were convicted by special court-martial (SPCM) of two periods of UA totalling 212 days. On 18 October 1972 you received NJP for an 89 day period of UA. Shortly thereafter, on 23 October 1972, you began another period of UA that was not terminated until you were apprehended by civil authorities on 14 March 1973. However, the record does not reflect the disciplinary action taken, if any, for this period of UA.

Your record contains an administrative remarks entry dated 10 April 1973, which states, in part, that you voluntarily accepted discharge for the convenience of the government. As a result, the discharge authority directed an honorable discharge by reason of convenience of the government in accordance with an early separation program, and on 27 April 1973, you were so discharged.

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 have your discharge set aside and your length of service considered for an early retirement. It also considered your assertion that you should have been afforded the opportunity for early retirement. Nevertheless, the Board concluded these factors were not sufficient to warrant relief because of your repetitive and lengthy periods of UA. Further, in accordance with regulatory guidelines, your 508 days of lost time are not credited as time served and therefore cannot be included to your length of service. In other words, this time could not be considered in determining the number of years served for early retirement. 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