



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

RDZ:ecb
Docket No. 05532-10
23 November 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.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 16 November 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.

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.

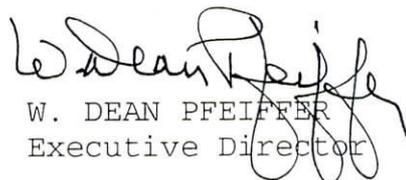
You enlisted in the Navy on 6 May 2003 for a term of four years. Unfortunately you only served a little less than one year and three months and were discharged for misconduct with an other than honorable discharge (OTH). Specifically you requested that Naval authorities issue you an OTH rather than court-martial you for 45 days of unauthorized absence (UA). Clearly you wanted to avoid the very real possibility of receiving a bad conduct discharge and a substantial period of confinement at hard labor that could have been handed down by a court-martial. Your request for an OTH was granted and you were so discharged on 17 September 2004.

In its review of your application the Board concluded that in view of seriousness of your lengthy UA as well as your willingness to accept an OTH rather than complete your enlistment your discharge was proper as issued and should not be changed now as a matter of clemency. The Board believed that you received considerable leniency when Naval authorities decided to forego court-martial proceedings and instead issue you an OTH.

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