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

SJN
Docket No: 06429-10
14 April 2011

[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 12 April 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 enlisted in the Navy and began a period of active duty on 8 November 1971. The Board found that during the period from 2 August 1973 to 7 May 1974, you received four nonjudicial punishments (NJP's) for use of disrespectful language, disobedience, possession of marijuana, mescaline, and lysergic acid diethylamide (LSD), and absence from your appointed place of duty. On 7 May 1976, you were convicted by general court-martial (GCM) of two periods of unauthorized absence (UA) totaling 526 days. You were sentenced to a reduction in paygrade, confinement at hard labor, a forfeiture of pay, and a bad conduct discharge (BCD). You received the BCD on 8 April 1977 after appellate review was completed.

The Board, in its review of your record and application, carefully weighed all potentially mitigating factors, such as your youth, Vietnam service, and desire to upgrade your discharge. Nevertheless, based on the information currently

contained in your record, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge given your four NJP's and GCM conviction of periods of UA totaling over 17 months. 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

W. DEAN PFEIFFER
Executive Director