



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

TJR

Docket No: 347-11
17 October 2011

[REDACTED]

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 12 October 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 14 September 1978 after four years of prior service and continued to serve without disciplinary incident until 17 July 1979, when you were convicted by special court-martial (SPCM) of a 45 day period unauthorized absence (UA). On 3 September 1980 you were convicted by SPCM of two periods of UA totalling 92 days.

On 24 August 1981 you were again convicted by SPCM of a 258 day period of UA and sentenced to confinement at hard labor for 60 days, a \$600 forfeiture of pay, and a bad conduct discharge (BCD). Subsequently, the BCD was approved at all levels of review and on 15 December 1982 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 satisfactory service and desire to upgrade your discharge. It also considered your assertion that you should have received a hardship discharge. Nevertheless, these factors were not sufficient to warrant recharacterization of your

discharge because of the seriousness of your repetitive and lengthy periods of UA from the Navy which resulted in three SPCMs. 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 PFEIFER
Executive Director