



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

TJR
Docket No: 2346-11
1 December 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 29 November 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 on 9 August 1976 at age 17 and immediately began a period of active duty. You served for nearly a year without disciplinary incident, but on 1 July 1977, you were convicted by summary court-martial (SCM) of two periods of unauthorized absence (UA) totalling 38 days.

On 28 February 1978 you were apprehended and confined by civil authorities for being drunk in public. You were subsequently released and ordered to appear in civil court. However, on 15 March 1978, you were convicted by civil authorities of failure to appear for the 28 February 1978 charge and crossing between controlled intersections. You were sentenced to a \$105 fine.

On 29 April 1980 you were convicted by special court-martial (SPCM) of five periods of UA totalling 582 days. You were sentenced to confinement at hard labor for four months, reduction to paygrade E-1, and a bad conduct discharge (BCD). On 7 May 1984, the BCD was approved at all levels of review, and on 29 May 1984, 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 youth and desire to upgrade your discharge. It also considered your assertion that you were to be discharged as a conscientious objector. Nevertheless, these factors were not sufficient to warrant recharacterization of your discharge given the seriousness of your repetitive and lengthy periods of UA from the Navy, both of which warrant a punitive discharge, and your misconduct in the civilian community. Finally, there is no evidence in the record, and you submitted none, to support your assertion. 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