



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE ROAD, SUITE 1001
ARLINGTON, VA 22204-2490

TJR
Docket No: 3358-11
13 January 2012

[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 January 2012. 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 Naval Reserve on 6 April 1973 at age 18 and began a period of active duty. About five months later, on 15 September 1973, you began a period of unauthorized absence (UA) that was not terminated until you were apprehended and held in custody by civil authorities on a charge of assault with a deadly weapon. On 24 October 1973 you were convicted by civil authorities of assault and possession of a firearm. You were sentenced to bail of \$250, a \$200 fine, confinement for 90 days, and probation for two years.

On 1 November 1973 you began another period of UA totalling that was not terminated until 10 March 1977. Eight days later, on 18 March 1977, you were again in a UA status until 9 March 1978. The record does not reflect the disciplinary action taken for the two foregoing periods of UA totalling 1,579 days.

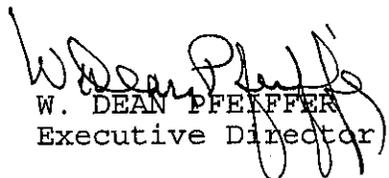
On 8 July 1985 you were convicted by general court-martial (GCM) of two periods of UA totalling 2,917 days. You were sentenced to confinement at hard labor for nine months, forfeiture of all pay

and allowances, reduction to paygrade E-1, and a bad conduct discharge (BCD). Subsequently, the BCD was approved at all levels of review and on 20 April 1987 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, post service conduct, and desire to upgrade your discharge. It also considered your assertion of being mentally unstable and incapable of making trusted decisions. Nevertheless, these factors were not sufficient to warrant recharacterization of your discharge given the seriousness of your frequent, repetitive, and lengthy periods of UA and misconduct in both the military and civilian communities. 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 PFEFFER
Executive Director