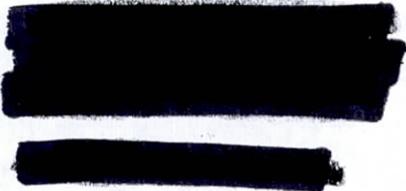




DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
701 S. COURTHOUSE ROAD, SUITE 1001  
ARLINGTON, VA 22204-2490

TAL  
Docket No: 4809-11  
22 February 2012



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 8 February 2012. 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 1972 at age 17. On 16 May 1974, you were convicted by special court-martial (SPCM) of two instances of unauthorized absence (UA) from your unit for a period totaling 73 days. The sentence imposed was 60 days restriction and extra duties and a forfeiture of pay. On 8 May 1975, you received nonjudicial punishment (NJP) for failure to obey a lawful order, and failure to go to your appointed place of duty. On 28 July 1975, you were again convicted by SPCM of three instances of UA from your unit for a period totaling 168 days and assault. The sentence imposed was six months confinement, a forfeiture of pay and a bad conduct discharge (BCD). On 5 February 1976, you received NJP for UA from your unit for a period of two days. On 18 March

1976, you were UA from your unit until you were apprehended by civil authorities in Russeville, Arkansas, on 26 October 1976. On 6 June 1977, you received the BCD after appellate review was complete.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth and overall record of service. Nevertheless, the Board found that these factors were not sufficient to warrant recharacterization of your discharge given the seriousness of your misconduct that resulted in two NJPs, two SPCMs and periods of UA that totaled over one year and three months. Finally, no discharge is upgraded merely because of the passage of time. 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