



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

TJR
Docket No: 1539-12
5 December 2012



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 4 December 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 reenlisted in the Navy on 5 December 1988 after more than three years of prior satisfactory service. You continued to serve for without disciplinary infraction until 23 March 1992, when you began a period of unauthorized absence (UA) that was not terminated until 30 March 1992. During this period of UA you also missed the movement of your ship. On 29 May 1992 you were convicted by summary court-martial (SCM) of a 65 day period of UA and missing the movement of your ship. You were sentenced to confinement for 30 days, a \$523.80 forfeiture of pay, and reduction to paygrade E-1.

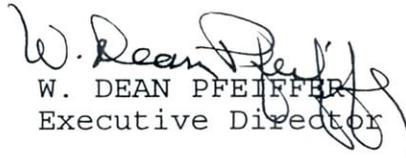
Subsequently, you were processed for an administrative separation by reason of misconduct due to commission of a serious offense. After waiving your procedural rights to legal counsel and an administrative discharge board (ADB), your commanding officer recommended discharge under other than honorable conditions by

reason of misconduct due to commission of a serious offense. On 1 August 1992 the discharge authority approved this recommendation and directed your commanding officer to discharge you under other than honorable conditions by reason of misconduct, and on 13 August 1992, you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your prior satisfactory service, post service conduct, and desire to upgrade your discharge based on your entire record of service. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your second discharge because of the seriousness of your lengthy period of UA from the Navy. Finally, when you waived your procedural right to present your case to an ADB, you forfeited any possibility to obtain a better characterization of service. 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