



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

RDZ:ecb
Docket No. 09316-12
12 October 2012

[REDACTED]

[REDACTED]

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 2 October 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 that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Navy on 25 September 2001 for a term of four years. A little than four months later you began a period of unauthorized absence (UA) that lasted for 116 days and ended when you surrendered yourself to military authorities. A little over two months later you again went UA and remained absent for 32 days. On 16 September 2002 you requested to be administratively separated rather be tried by court-martial for 148 days of UA and agreed to accept an other than honorable discharge (OTH). Your offer was accepted and on 20 September 2002 you were issued an OTH.

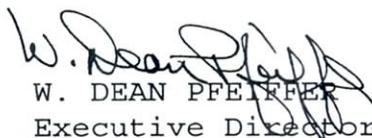
In its review of your application the Board concluded that in view of seriousness of your misconduct, which occurred shortly after you

enlisted, as well as your willingness to accept an OTH to avoid trial by court-martial your discharge was legally proper and fair and should not be changed now as a matter of clemency. The Board particularly noted that by accepting an OTH you avoided the very real prospect that had you been tried and convicted by court-marital you could have been issued a bad conduct discharge and sentenced to a substantial period of confinement at hard labor.

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