



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

TJR
Docket No: 8410-13
25 September 2014

[REDACTED]

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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 24 September 2014. 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.

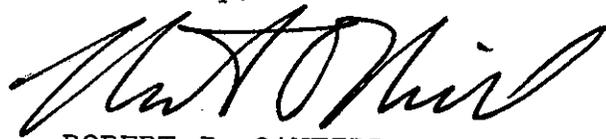
After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Navy and began a period of active duty on 3 July 1989. You served without disciplinary infraction until 15 August 1991, when you began a period of unauthorized absence (UA) that was not terminated until 27 August 1991. During this period of UA you wrongfully used cocaine. Shortly thereafter, on 25 September 1991, you began another period of UA that was not terminated until 28 January 1992. During the latter period of UA totalling 125 days, you were declared a deserter. Subsequently, the foregoing charges were referred for trial by court-martial. As a result, on 13 March 1992, you were convicted by special court-martial (SPCM) of desertion for a 125 day period of UA, a 12 day period of UA, and wrongful use of cocaine. You were sentenced to confinement at hard labor for 60 days, a \$700 forfeiture of pay, reduction to paygrade E-1, and a bad conduct discharge (BCD). Subsequently, the BCD was approved at all levels of review and on 13 September 1993 you were so discharged.

The Board, in its review of your entire record and application carefully weighed all potentially mitigating factors, such as your post service conduct and desire to upgrade your discharge. It also considered your assertion that your BCD was recharacterized as "other than honorable" nearly 12 years ago, and you believe that you deserve a better characterization of service because you served your country in both Desert Shield and Desert Storm. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of the seriousness of your lengthy period of UA and conviction by SPCM. Finally, there is no evidence in the record, and you provided 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 within one year from the date of the Board's decision. New evidence is evidence not previously considered by the Board prior to making its decision in your case. 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,



ROBERT J. O'NEILL
Executive Director