



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

TJR
Docket No: 870-14/
8958-04
26 February 2015

[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 24 February 2015. 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, began a period of active duty on 29 October 1980, and served until 8 July 1981, the beginning of a lengthy period of unauthorized absence (UA) that was not terminated until 28 October 1987. As a result of this period of UA, you were declared a deserter. About two months later, on 23 December 1987, you were convicted by general court-martial (GCM) of desertion due to the foregoing period of UA totalling 2,302 days. You were sentenced to confinement for three months, a \$600 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 23 March 1988, you were so discharged.

The Board, in its review of your entire record and application carefully weighed all potentially mitigating factors, such as your desire to upgrade and change the date of your discharge, change the record to reflect no lost time, and change your narrative reason for discharge. It also considered your assertions of being told that you were not a citizen of the United States, being in breach of contract with the Navy if not a

citizen of the United States, and having to go UA to prevent being killed or killing someone. Nevertheless, the Board concluded these factors were not sufficient to warrant relief in your case because of the seriousness of your lengthy period of UA which resulted in desertion and a BCD. Further, the Board determined that your assertions were not enough to outweigh the significant misconduct you committed while serving on active duty. 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 within one year from the date of the Board's decision. 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