



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

TRG
Docket No: 1251-99
13 July 1999

[REDACTED]

Dear [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 13 July 1999. 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.

The Board found that you enlisted in the Navy on 26 December 1976 at age 17. The record shows that during the period from 11 August 1977 to 3 February 1979 you received nonjudicial punishment on seven occasions. Your offenses were seven periods of unauthorized absence totaling about 69 days, missing ship's movement on two occasions, missing musters and disobedience.

Based on the foregoing record you were processed for an administrative discharge. On 6 March 1979 you agreed to waive your right to an administrative discharge board in exchange for a recommendation for a general discharge. On 5 April 1979 you began a period of unauthorized absence which lasted until you were apprehended on 26 September 1979. During this period of absence, on 7 April 1979 the discharge authority approved the recommendation of your commanding officer for a general discharge. However, this discharge could not be issued because of your unauthorized absences. On 3 November 1979 you began another period of unauthorized absence which lasted until you surrendered on 16 December 1981.

A special court-martial convened on 25 January 1982 and convicted

you of the two foregoing periods of unauthorized absence totaling about 960 days. The court sentenced you to forfeiture of \$250 pay per month for six months, confinement at hard labor for six months and a bad conduct discharge. The bad conduct discharge was issued on 23 April 1983.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth, limited education, and your contention that you were not suited for military life. The Board found that these factors and contentions were not sufficient to warrant recharacterization of your discharge given the frequency of your periods of unauthorized absence and especially the final periods of absence totaling 960 days. The Board concluded that the discharge was proper as issued and no change is warranted.

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