



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

TRG

Docket No: 1267-99

9 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 7 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 27 October 1979 at age 18. The record shows that on 25 May and 13 November 1980 you received nonjudicial punishment for an unauthorized absence of about 15 days, missing ship's movement and breach of the peace. A special court-martial convened on 28 April 1981 and convicted you of the theft of six bottles of phenobarbital and assault. The court sentenced you to detention of \$250 pay per month for three months, confinement at hard labor for three months and a bad conduct discharge. You began appellate leave on 12 July 1981 and remained in that status until the bad conduct discharge was issued on 13 April 1983.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth and your contention, in effect, that you have been adequately punished for your misconduct by having a bad conduct discharge for over 16 years. The Board found that these factors and contentions were not sufficient to warrant recharacterization of your discharge given your multiple offenses and especially the seriousness of the offenses of which you were convicted by the court-martial. 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