



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

ELP
Docket No. 1765-01
20 July 2001

[REDACTED]

Dear [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 Navy Records, sitting in executive session, considered your application on 18 July 2001. 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 2 February 1983 for four years at age 17. The record reflects that you were advanced to QMSN (E-3) and served for 12 months without incident. However, during the 13 month period from February 1984 to March 1985 you received a nonjudicial punishment (NJP) and were convicted by a special court-martial. Your offenses consisted of participating in fight, assault, and a 153-day period of unauthorized absence (UA).

On 11 February 1986 you were convicted by a second special court-martial of a 91-day period of UA, From 7 October 1985 to 6 January 1986. You were sentenced to confinement at hard labor for 75 days, forfeitures of \$426 per month for two months, and a bad conduct discharge. The record reflects that you were released from confinement on 19 March 1986 and subsequently placed on appellate leave. You received the bad conduct discharge on 2 February 1988.

In its review of your application the Board carefully weighed all potentially mitigating factors such as your youth and immaturity and the fact that it has been more than 13 years since you were discharged. The Board concluded that the foregoing factors were insufficient to warrant recharacterization given your record of an NJP and two special court-martial convictions. Your conviction and discharge were effected in accordance with applicable law and regulations, and the discharge appropriately characterizes your service. You have provided neither probative evidence nor a convincing argument in support of your application. The Board concluded that the discharge was proper 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