



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

TJR
Docket No: 7707-01
10 May 2002

[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 7 May 2002. 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.

The Board found you enlisted in the Navy on 26 October 1978 at the age of 18. Your record reflects that on 16 June 1980 you were convicted by summary court-martial (SCM) of three periods of unauthorized absence (UA) totalling 148 days. You were sentenced to confinement at hard labor for 20 days and a \$250 forfeiture of pay. On 29 October and again on 13 December 1980, you received nonjudicial punishment (NJP) for a two day period of UA, larceny, and 25 instances of absence from your appointed place of duty.

Your record further reflects that during the period from 17 March to 15 November 1981 you received NJP on two more occasions and were convicted twice more by SCM for offenses which included periods of UA totalling more than seven months. Your offenses were three specifications of failure to go to your appointed place of duty, 33 absences from your appointed place of duty, five specifications of sleeping on post, two specifications of breaking restriction, two periods of UA totalling three days, and possession of marijuana.

On 3 June 1982 you were convicted by special court-martial (SPCM) of three periods of UA totalling 61 days and absence from your appointed place of duty. You were sentenced to confinement at hard labor for a month, a \$367 forfeiture of pay, and a bad conduct discharge (BCD). The BCD was subsequently approved at all levels of review, and on 18 November 1983 you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity, and the fact that it has been over 20 years since your discharge. However, the Board concluded these factors and contention were not sufficient to warrant recharacterization of your discharge because of your repetitive misconduct, which resulted in four NJPs and four court-martial convictions. Further, no discharge is upgraded merely due to the passage of time. Given all the circumstances in your case, the Board concluded your 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