



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

TRG
Docket No: 4153-02
9 October 2002

[REDACTED]

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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 8 October 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 that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Navy on 31 October 1977 and served until you were honorably discharged on 30 April 1985. During this period of service, you were convicted by a special court-martial. You reenlisted in the Navy on 1 May 1985.

On 17 February 1987 you received nonjudicial punishment for an unauthorized absence of about 62 days. The punishment imposed included forfeitures of pay and a reduction in rate. Based on the lengthy period of unauthorized absence, you were processed for an administrative discharge by reason of misconduct due to your commission of a serious offense. In connection with this processing, you elected to waive the right to have your case heard by an administrative discharge board. On 13 March 1987 the discharge authority directed discharge under other than honorable conditions and you were so discharged on 20 March 1987.

In its review of your application, the Board carefully weighed all potentially mitigating factors, such as your prior honorable service. The Board found that these factors were not sufficient to warrant recharacterization of your discharge given your commission of a serious offense. 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.

The Board believes that you maybe eligible for veteran's benefits based on your prior honorable service. Therefore, if you have been denied benefits, you should appeal that denial under procedures established by the Department of Veterans Affairs.

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