



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

WMP  
Docket No: 4976-02  
11 December 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 4 December 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.

The Board found that you enlisted in the Navy on 1 March 1967 for four years at age 18. Your record shows that you served without incident until 18 June 1969, when you received nonjudicial punishment (NJP) for failure to go to your appointed place of duty. The punishment imposed was 15 days of extra duty.

On 30 July 1969 you received NJP for a 15 day period of unauthorized absence from 23 June to 8 July 1969. The punishment imposed was forfeitures of \$108 per month for two months, 30 days of restriction and extra duty, and a reduction in rate.

Your record reflects that you were an unauthorized absentee from 1 August 1969 to 9 April 1970, a period of 251 days. On 4 May

1970 you were convicted by a special court-martial of this period of unauthorized absence. You were sentenced to confinement at hard labor for four months, forfeitures of \$40 per month for four months, a reduction in rate, and a bad conduct discharge. On 9 June 1970, the convening authority approved the adjudged sentence. On 19 October 1970, upon completion of appellate review, you received the bad conduct discharge.

On 21 March 1976, the Chief of Naval Personnel (CNP), pursuant to Presidential Proclamation 4313 issued you a Clemency Discharge (CD). Neither the Veteran's Administration (VA) or the Department of Defense considers the recipient of a CD to be entitled to any benefits denied by reason of the original discharge. The presidential pardon that accompanied a CD merely had the effect of removing certain civil disabilities resulting from a court-martial conviction.

In its review of your application the Board carefully weighed all potentially mitigating factors such as your youth, immaturity and the fact that it has been over 32 years since your discharge. However, the Board concluded that your conviction of an lengthy unauthorized absence warranted severe punishment, which the court-martial correctly imposed. The Board thus concluded that even though you received a CD based on Presidential Proclamation 4313, the original bad conduct discharge was appropriate and should not be changed. 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