



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

TJR
Docket No: 6162-01
12 February 2002

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 Naval Records, sitting in executive session, considered your application on 5 February 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 27 June 1983 at the age of 20. Your record reflects that on 15 February 1984 you received nonjudicial punishment (NJP) for wrongful use of marijuana and were awarded restriction and extra duty for 45 days, a \$668.90 forfeiture of pay, and a suspended reduction in rate.

Your record further reflects that on 12 April 1985 you were convicted by special court-martial (SPCM) of four periods of unauthorized absence (UA) totalling 226 days. You were sentenced to a \$1,200 forfeiture of pay, confinement at hard labor for 90 days, reduction to paygrade E-1, and a bad conduct discharge (BCD). After the BCD was approved at all levels of review, you were so discharged on 24 June 1985.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity and your contention that your periods of UA resulted from family problems. The Board also considered

the American Legion letter submitted in support of your case. However, the Board concluded these factors and contention were not sufficient to warrant recharacterization of your discharge because of your frequent and lengthy periods of UA and drug abuse. Given all the circumstances of 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