



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

WMP

Docket No: 2688-02
28 August 2002

[REDACTED]

[REDACTED]

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 21 August 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 25 February 1969 for four years at age 19. At that time, you had completed 12 years of education and attained test score which placed you in Mental Group III.

Your record reflects that on 16 January 1970 you were convicted by a special court-martial of missing the movement of your ship; and four instances of unauthorized absence, from 12 May to 9 June 1969, 30 June to 8 July 1969, 22 July to 17 August 1969, and 25 September to 4 December 1969. These absences totaled 128 days. You were sentenced to confinement at hard labor for five months, forfeiture of \$82 per month for five months, reduction to paygrade E-1, and a bad conduct discharge. Subsequently, you waived your rights to request restoration to and requested execution of the adjudged bad conduct discharge. On 15 May

1970, upon completion of appellate review, you were so discharged.

In its review of your application the Board carefully weighed all potentially mitigating factors such as your youth and immaturity, and that you believe that you have paid your debt to society. However, the Board concluded that your conviction of four unauthorized absences totaling 128 days warranted severe punishment, which the court-martial correctly imposed. The Board concluded that your special court-martial and subsequent bad conduct discharge were appropriate and the discharge should not be upgraded. 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