



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

TJR  
Docket No: 5811-00  
26 February 2001



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 13 February 2001. 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 2 March 1981 at the age of 19.

Your record reflects that on 17 August 1981 you began a 123 day period of unauthorized absence (UA) that was not terminated until 18 December 1981. Your record also reflects that you were declared a deserter during this period of UA. Subsequently, on 25 January 1982, you were convicted by special court-martial (SPCM) of the 123 day period of UA. You were sentenced to confinement at hard labor for three months, a \$300 forfeiture of pay, and a bad conduct discharge (BCD). The BCD was approved at all levels of review and on 30 November 1982 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 your contentions that it has been more than 18 years since your separation, you have suffered long enough with a BCD, and the BCD is preventing you from obtaining employment as a correctional officer. However, the Board

concluded these factors and contentions were not sufficient to warrant recharacterization of your discharge given your four month period of UA. Further, no discharge is upgraded merely because of the passage of time. The Board concluded that 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