



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

TRG
Docket No: 1469-03
29 July 2003



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 29 July 2003. 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 26 April 1974 at age 18. On 14 March 1975 you were disenrolled from the nuclear power training program because of academic failure. Subsequently, you were an unauthorized absentee from 19 April to 15 July 1975. On 19 July 1975 you deserted from the Navy and remained in that status until you were apprehended on 12 June 1986, a period of almost 11 years.

A general court-martial convened on 16 July 1986 and convicted you of the foregoing period of desertion. The court sentenced you to reduction to pay grade E-1, forfeiture of all pay and allowances, confinement at hard labor for 90 days and a bad conduct discharge (BCD). On 4 May 1987, upon completion of appellate review, you received the BCD.

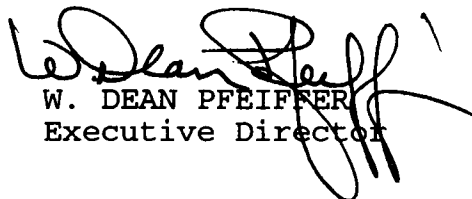
In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth and contention that you have been a good citizen for many years and have been adequately punished for your youthful mistakes. However, the Board found that these factors and contentions were not sufficient to warrant recharacterization of your discharge given

your conviction by a general court-martial of a very lengthy period of desertion. 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.

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