



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

JRE
Docket No. 11010-07
12 September 2008

[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 4 September 2008. 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 served on active duty in the Navy from 9 February 1972 to 18 July 1974, when you were discharged under other than honorable conditions, pursuant to your request for discharge for the good of the service in lieu of trial by court-martial for five periods of unauthorized absence of a total duration of more than six months.

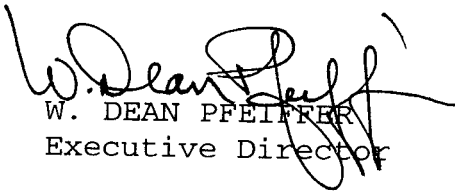
While the Board admires your post-service good conduct and accomplishments, and your need for medical care and/or disability compensation for a service incurred knee condition, the Board was not persuaded that it would be in the interest of

justice for it to upgrade your discharge, given your extensive record of misconduct and limited period of credible naval service. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

As you may be entitled to medical care, but not disability compensation, from the Department of Veterans Affairs for conditions that are determined to be service connected, you should consider contacting that department.

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