



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

TJR
Docket No: 13180-09
16 September 2010

[REDACTED]

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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 14 September 2010. The names and votes of the members of the panel will be furnished upon request. 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.

You enlisted in the Navy on 25 September 1972 at age 17 and served without disciplinary incident until 6 September 1973, when you were convicted by summary court-martial (SCM) of a 42 day period of unauthorized absence (UA). You were sentenced to restriction for 60 days and a \$150 forfeiture of pay. During the period from 13 September to 15 November 1973 you received nonjudicial punishment (NJP) on three occasions for a one day period of UA and two specifications of wrongful possession of marijuana.

During the period from 2 February to 3 March 1974 you were in a UA status for 20 days, however, the record does not reflect the disciplinary action taken, if any, for this misconduct. On 28 March 1974 you were convicted by special court-martial (SPCM) of a 48 day period of UA, three periods of absence from your appointed place of duty, disobedience, and wrongful possession of amphetamine sulfate. You were sentenced to confinement at hard

labor for three months, a \$651 forfeiture of pay, and a bad conduct discharge (BCD). On 4 June 1974 you submitted a written request for immediate execution of the BCD. Subsequently, the BCD was approved at all levels of review and on 16 April 1974 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, explanation regarding the circumstances which resulted in your discharge, and desire to upgrade your discharge. It also considered your assertions of a deprived background and suffering from mental conditions. Nevertheless, these factors were not sufficient to warrant recharacterization of your discharge because of the seriousness of your repetitive and lengthy periods of UA, and repeated incidents of drug abuse, all of which resulted in three NJPs and two court-martial convictions. Finally, there is no evidence in the record, and you submitted none, to support your assertions. Accordingly, your application has been denied.

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 PFIEFFER
Executive Director