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

BJG
Docket No: 4204-10
20 January 2011

[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 19 January 2011. 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 entered active duty in the Navy on 20 July 198. You received nonjudicial punishment and were convicted by a summary court-martial. Your offenses included failure to obey a lawful order (three specifications), and two periods of unauthorized absence (UA) totaling 145 days. On 15 January 1991, you were convicted at a special court-martial of two periods of UA totaling 130 days. Your sentence included a bad conduct discharge (BCD). On 23 May 1991, after 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 belief that you were wrongly accused. However, the Board concluded that your BCD should not be changed due to your periods of UA totaling over four months and other misconduct. You are advised that no discharge is upgraded due merely to the passage of time or post service good conduct. In view of the above, 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