



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE ROAD, SUITE 1001
ARLINGTON, VA 22204-2490

SJN
Docket No: 05801-11
22 March 2012



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 20 March 2012. 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.

On 10 June 1988, you reenlisted in the Navy after serving over two years of honorable service. The Board found that on 21 May 1991, you received nonjudicial punishment (NJP) for wrongful use of cocaine. On 24 June 1991, you began a period of unauthorized absence (UA) that lasted 142 days. On 9 January 1992, you were convicted by special court-martial (SPCM) of the 142 days of UA. You were sentenced to confinement, a forfeiture of pay, a reduction in paygrade, and a bad conduct discharge (BCD). During the period from 14 November 1991 to 8 January 1992, you had two additional periods of UA totaling 72 days. You received the BCD on 25 June 1993 after appellate review was completed.

The Board, in its review of your record and application, carefully weighed all potentially mitigating factors, such as your youth, prior honorable service, and desire to upgrade your discharge. Nevertheless, based on the information currently contained in your record, the Board concluded these factors were

not sufficient to warrant recharacterization of your discharge given your NJP for wrongful drug use, SPCM conviction of a lengthy period of UA, and the fact that you had two additional periods of UA totaling over two months prior to receiving your BCD. 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 PFEIFFER
Executive Director