



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

BAN  
Docket No: 11234-10  
15 August 2011

[REDACTED]

[REDACTED]

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 10 August 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 the evidence submitted was insufficient to establish the existence of probable material error or injustice.


You enlisted in the Navy on 14 January 1982, and served without disciplinary incident until 24 April 1984, when you received nonjudicial punishment (NJP) for three specifications of unauthorized absence (UA). Shortly thereafter, on 23 January 1985, you were convicted at a special court-martial (SPCM) of two specifications of UA in excess of five and one half months. Your sentence included a bad conduct discharge (BCD). However, before you could be separated from military service you were in a UA status for almost four years. Upon your return, on 2 March 1989, you were convicted at a general court-martial (GCM) of UA in excess of three years and eight months, disrespect, and communicating a threat. After appellate review, you were separated on 5 July 1990, and received a BCD.

The Board, in its review of your entire record and application,

carefully weighed all potentially mitigating factors, such as your youth, claim that you were traumatized in recruit training and your time spent in Korea (although unsubstantiated). However, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of the serious misconduct of your SPCM and GCM convictions. 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