



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

TRG

Docket No: 3808-99

24 September 1999

[REDACTED]

Dear [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 21 September 1999. 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 enlisted in the Naval Reserve on 3 January 1979 at age 19 and reported for three years of active duty that same day. The record shows that you then served without incident until 29 October 1981. At that time you were convicted by a general court-martial of assault, indecent assault and unlawful entry. The record reflects that while intoxicated you entered the room of a sleeping female sailor and when she resisted your advances you assaulted her, causing serious injuries which included a detached retina. The court-martial sentenced you to reduction to pay grade E-1, forfeiture of all pay and allowances, confinement at hard labor for three years and a bad conduct discharge. The bad conduct discharge was issued on 27 July 1983.

In its review of your application the Board carefully considered all potentially mitigating factors, such as your youth and the documentation you submitted showing that you have been a good citizen since discharge. The Board found that these factors were not sufficient to warrant recharacterization of your discharge given the serious nature of the offenses of which you were convicted. The Board concluded that the discharge was proper as issued and no change is warranted.

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