



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

TJR
Docket No: 158-01
25 June 2001



Dear [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 19 June 2001. 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. In addition, the Board considered the advisory opinion provided by the Naval Medical Center, a copy of which is enclosed for your information.

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.

The Board found you enlisted in the Navy on 25 January 1989 at the age of 23. Your record reflects that on 23 May 1989 you received nonjudicial punishment (NJP) for a day of unauthorized absence (UA) and absence from your appointed place of duty. The punishment imposed was extra duty and restriction for 14 days and a \$163 forfeiture of pay. Approximately a year later, on 21 May 1990 you were convicted by special court-martial (SPCM) of a 124 day period of UA and were sentenced to confinement for 110 days and forfeitures totalling \$600.

Your record further reflects that on 26 January 1993 you were convicted by SPCM of six periods of UA totalling 386 days. You were sentenced to reduction to paygrade E-1 and a bad conduct discharge (BCD). Subsequently, the BCD was approved at all levels of review and on 13 September 1993 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 and immaturity, and good post service conduct. The Board also considered the statement from The American Legion in support of your case and the numerous character reference letters. However, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of the seriousness of your repetitive and lengthy periods of UA. Given the circumstances of your case, the Board concluded your 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