



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

TJR
Docket No: 3450-01
9 November 2001

[REDACTED]

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 6 November 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.

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 4 January 1980 at the age of 19. Your record reflects that on 5 October 1981 you were convicted by summary court-martial (SCM) of a 142 day period of unauthorized absence (UA) and were sentenced to confinement at hard labor for 30 days and a \$100 forfeiture of pay. On 16 December 1982 you received nonjudicial punishment (NJP) for absence from your appointed place of duty and were awarded confinement on bread and water for three days.

Your record further reflects that on 7 February 1983 you were convicted by special court-martial (SPCM) of two periods of UA totalling 85 days and were sentenced to confinement at hard labor for three months, reduction to paygrade E-2, and a \$1,500 forfeiture of pay. On 27 July 1983 you were again convicted by SPCM of two periods of UA totalling 33 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 5 February 1986 you received the BCD.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity, and your contention that the periods of UA do not justify a BCD. However, the Board concluded these factors and contention were not sufficient to warrant recharacterization of your discharge because of your frequent and lengthy periods of UA, which resulted in three court-martial convictions. 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