



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

TRG  
Docket No: 5699-01  
12 December 2001

[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 11 December 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 that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Navy on 30 September 1978 at age 19. The record shows that during 1979 you were an unauthorized absentee on two occasions totaling about 13 days and missed the movement of your ship. However, there is no disciplinary action in the record for these offenses. On 15 September 1980 you received nonjudicial punishment for an unauthorized absence of about three hours and missing ship's movement. On 20 May 1981 you began a period of unauthorized absence which lasted until you were apprehended on 2 September 1982. A special court-martial convened on 4 October 1982 and convicted you of the foregoing period of unauthorized absence totaling about 462 days. The court sentenced you to reduction to pay grade E-1, forfeiture of \$35 pay per month for four months, confinement at hard labor for 90 days and a bad conduct discharge. You apparently began appellate leave in November 1982 and remained in that status until the bad conduct discharge was issued on 7 December 1983.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth, limited education, and desire for a better discharge. The Board found that these factors were not sufficient to warrant recharacterization of your discharge given your disciplinary

record, especially the special court-martial conviction for a lengthy period of unauthorized absence. 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