



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

TRG
Docket No: 6041-01
10 April 2002

[REDACTED]

[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 9 April 2002. 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 7 February 1977 at age 19. On 21 February 1978 you received nonjudicial punishment for drinking in a government vehicle. On 16 September 1979 you were advanced to PC3 (E-4). A special court-martial convened on 5 January 1980 and convicted you of theft of government property valued at about \$4000, unauthorized sale of government property, conspiracy to sell government property, and three specifications of stealing mail. The court sentenced you to reduction to pay grade E-1 and a bad conduct discharge. You began appellate leave on 23 December 1980 and remained in that status until the bad conduct discharge was issued.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth and contention that you have been a good citizen for many years. The Board found that these factors and contentions were not sufficient to warrant recharacterization of your discharge given your conviction of serious offenses, especially since you committed those offenses while serving as a postal clerk. 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