



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

TRG
Docket No: 8642-00
5 June 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 30 May 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.

The Board found that you enlisted in the Navy on 14 January 1980 at age 18. You satisfactorily completed initial training and on 28 May 1980 you reported to your first duty station. On 20 February 1981 you began a period of unauthorized absence which lasted until you were apprehended on 10 February 1986. A special court-martial convened on 11 March 1986 and convicted you of the foregoing period of unauthorized absence totaling about five years. The court sentenced you to reduction to pay grade E-1, forfeiture of \$350 pay per month for six months, confinement at hard labor for 60 days and a bad conduct discharge. It appears that you began appellate leave on 28 March 1986 and remained in that status until the bad conduct discharge was issued on 20 April 1987.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth, your belief that you have been adequately punished for your offenses by having a bad conduct discharge for over 14 years, and your claim that you have been a good citizen for many years. The Board found that these factors were not sufficient to warrant recharacterization of your discharge given your lengthy period of

authorized 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