



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

TJR  
Docket No: 2831-02  
6 November 2002

[REDACTED]

[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 5 November 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 the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Navy on 28 February 1969 at the age of 19. At the time of enlistment you had completed nine years of formal education and had a general classification test (GCT) score which placed you in Mental Group V.

On 17 July 1969 you began a 453 day period of unauthorized absence (UA) that was not terminated until you were apprehended by civil authorities on 12 October 1970. On 19 November 1970, while awaiting trial for the foregoing period of UA, you received nonjudicial punishment (NJP) for underage drinking and were awarded a \$35 forfeiture of pay.

On 7 December 1970 you were convicted by general court-martial (GCM) of the 453 day period of UA. You were sentenced to a reduction to paygrade E-1, a \$400 forfeiture of pay, confinement at hard labor for five months, and a bad conduct discharge (BCD). On 22 March 1971 you submitted a written request for a general discharge. The request stated, in part, as follows:

I want my BCD changed to a general because I have a wife and children to support. With a BCD I don't have a chance to get a good job, and back home I would like to work for the state.

Subsequently, the BCD was approved at all levels of review, and on 18 June 1971 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, limited education, low test scores, your contention that you should not have been allowed to enlist in the Navy. It also considered your request to have your discharge upgraded so that you may obtain veterans' rights. Nevertheless, the Board concluded these factors, contention, and your request were not sufficient to warrant recharacterization of your discharge because of your lengthy period of UA. Further, the Board noted that you submitted no evidence that your enlistment was improper. 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