



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

TJR
Docket No: 3318-02
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 15 July 1969 at the age of 19. On 18 March 1971 you were convicted by special court-martial (SPCM) of three periods of unauthorized absence (UA) totalling 325 days. You were sentenced to confinement at hard labor for five months, reduction to paygrade E-1, a \$475 forfeiture of pay, and a bad conduct discharge (BCD). On 13 July 1971 you submitted a written request for immediate execution of the BCD. The request stated, in part, as follows:

I can not adjust to military life. If I did go back it wouldn't be any change in the people or staff. The service is just not for me, or should I say (I'm) not for it. I have had (too) many home (problems) while I've been in the service.

Subsequently, the BCD was approved at all levels of review, and on 21 October 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. It also considered your request to have your discharge upgraded so that you could get your life together. Nevertheless, the Board concluded these factors and your request were not sufficient to warrant recharacterization of your discharge because of your repetitive and lengthy periods of UA. 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