



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

TJR
Docket No: 3772-02
20 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 19 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 24 February 1981 at the age of 18. On 16 October 1981 you were convicted by summary court-martial (SCM) of a 46 day period of unauthorized absence (UA) and missing the movement of your ship. You were sentenced to confinement at hard labor for 30 days and a \$300 forfeiture of pay.

During the period from 22 April to 5 October 1983 you received nonjudicial punishment (NJP) on three occasions for two periods of absence from your appointed place of duty and an 11 day period of UA. On 26 June and again on 20 September 1984 you received NJP for failure to go to your appointed place of duty and a four day period of UA.

On 10 July 1985 you were convicted by special court-martial (SPCM) of a 119 day period of UA and disobedience. You were sentenced to confinement for 60 days, a \$1,800 forfeiture of pay, reduction to paygrade E-1, and a bad conduct discharge (BCD). The BCD was subsequently approved at all levels of review, and on 9 October 1986 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, and your contention that you are now having problems with a service connected injury and would like compensation for this disability. Nevertheless, the Board concluded these factors and contention were not sufficient to warrant recharacterization of your discharge because of your repetitive misconduct and lengthy period 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