



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

TJR
Docket No: 5938-01
12 February 2002

[REDACTED]

Dear [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 February 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.

The Board found you enlisted in the Marine Corps on 25 October 1978 at the age of 18. Your record reflects that on 6 February 1979 you underwent a medical evaluation because you had attempted suicide and were experiencing adult situation reaction anxiety.

On 28 September 1979 you were convicted by special court-martial (SPCM) of two periods of unauthorized absence (UA) totalling 210 days and were sentenced to a \$400 forfeiture of pay and confinement at hard labor for 53 days.

Your record further reflects that on 12 June 1980 you were convicted by SPCM of three periods of UA totalling 54 days. You were sentenced to confinement at hard labor for two months, a \$750 forfeiture of pay, and a bad conduct discharge (BCD). Subsequently, the BCD was approved at all levels of review and you were so discharged on 22 June 1981.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity, diagnosed psychological problem, and

your contention that you were having personal problems while serving in the Navy. The Board also noted that you had the BCD for more than 20 years. However, the Board concluded these factors and contentions were not sufficient to warrant recharacterization of your discharge because of your lengthy periods of UA, which resulted in two court-martial convictions. Given all the circumstances of your case, the Board concluded your discharge was proper as issued and no change is warranted. Further, no discharge is automatically upgraded due to the passage of time. 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