



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

TRG
Docket No: 7438-01
14 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 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 12 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 that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Naval Reserve on 5 November 1982 at age 20 and reported for three years of active duty on 10 November 1982. A special court-martial convened on 16 December 1983 and convicted you of an authorized absence of about 167 days. The court sentenced you to restriction, forfeitures of pay and confinement at hard labor for 45 days.

On 8 January 1984 you were notified of separation processing by reason of misconduct due to your commission of a serious offense. In connection with this processing, you elected to waive your right to have your case heard by an administrative discharge board. On 9 February 1984 the Assistant Secretary of the Navy (Manpower and Reserve Affairs) approved the recommendation of your commanding officer and the Chief of Naval Personnel that you be discharged for misconduct with a discharge under other than honorable conditions. You were so discharged on 28 February 1984.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth, and your contention, in effect, that you became an unauthorized absentee

because your father was dying of cancer. The Board found that these factors and contentions were not sufficient to warrant recharacterization of your discharge given your conviction by a special court-martial of an unauthorized absence of about 167 days, a period of more than five months. The Board further noted that your total period of service was only slightly more than 15 months. 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