



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

TJR
Docket No: 6492-07
13 May 2008

[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 6 May 2008. 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 reenlisted in the Navy on 27 May 1982 after four years of prior honorable service. You continued to serve without disciplinary incident until 1 July 1985, when you began a period of unauthorized absence (UA) that was not terminated until you were apprehended by civil authorities on 29 October 1985. During this period of UA you were also declared a deserter.

Subsequently, on 10 December 1985, you were convicted by special court-martial (SPCM) of a 120 day period of UA. You were sentenced to confinement at hard labor for 30 days, reduction to paygrade E-1, and a bad conduct discharge (BCD). After the BCD was approved at all levels of review, on 10 October 1985 you were so discharged.

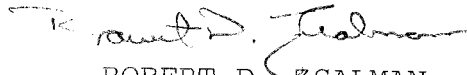
The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your prior honorable service and assertion that your period of UA was due to personal family matters. Nevertheless, the Board concluded these factors were not sufficient to warrant

recharacterization of your discharge because of the seriousness of your lengthy period of UA from the Navy. Finally, there is no evidence in the record, and you submitted none, to support your assertion. 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,



ROBERT D. ZSALMAN
Acting Executive Director