TJR
Docket No: 7750-07
20 August 2008

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 August 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 enlisted in the Navy on 1 August 1980 at age 19 and served for two years without disciplinary incident. Nonetheless, on 26 August 1982, you received nonjudicial punishment (NJP) for assault and were awarded a $75 forfeiture of pay. During the period from 26 October 1982 to 24 April 1984 you were in an unauthorized absence (UA) status on three occasions for 511 days.

From 25 to 29 May 1984 you were in a UA status for four days, but the record does not reflect the disciplinary action taken, if any, for this period of UA. Shortly thereafter, on 11 June 1984, you received NJP for four periods of UA totalling 17 days and wrongful use of marijuana. The punishment imposed was a $596 forfeiture of pay, extra duty and restriction for 45 days, and reduction to paygrade E-1. The following day, on 12 June 1984, you received NJP for two specifications of disobedience and were awarded a $200 forfeiture of pay and confinement on bread and water for three days. From 30 June to 2 July 1984 you were again UA for four days.

On 30 July 1984 you were convicted by special court-martial (SPCM) of the foregoing three periods of UA totalling 511 days. You were sentenced to a $1,520 forfeiture of pay, confinement at hard labor for four months, and a bad conduct discharge (BCD). Subsequently, on 13 August 1984, you waived your right to a clemency review. After the BCD was approved at all levels of review, on 9 September 1985, you were so discharged.
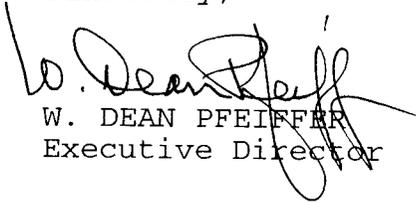
The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and assertion that since the Navy did not live up to its promise of "A" School training, you took matters into your own hands by going UA. It also considered your assertion that your punishment was too severe. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of the seriousness of your repetitive and lengthy periods of UA from the Navy. Accordingly, your application has been denied.

Be advised that you should contact the Department of the Navy, Navy Personnel Command (BUPERS), Sailor Assistance Center, Code Pers-312F, 5720 Integrity Drive, Millington, TN 38055-3120 to request that an administrative correction, such as your job title, be made on your Certificate of Release or Discharge From Active Duty (DD Form 214).

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

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