



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

TRG
Docket No: 10909-07
6 August 2008

[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 5 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 that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

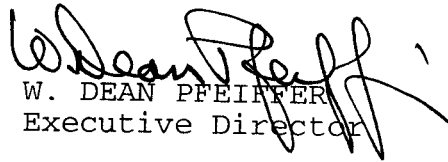
You enlisted in the Navy on 3 November 1987 at age 19. On 1 September 1988 and 30 March 1989 you received nonjudicial punishments. Your offenses were four periods of unauthorized absence totaling about 32 days and disrespect. A special court-martial convened on 26 September 1991 and convicted you of two periods of unauthorized absence totaling about 289 days, missing movement and use of drugs. You were sentenced to reduction to paygrade E-1, forfeitures of pay, confinement at hard labor for three months and a bad conduct discharge. Upon completion of confinement you began appellate leave and remained in that status until the bad conduct discharge was issued on 29 December 1992.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as youth and the length of time since the discharge was issued. The Board found that these factors and contention were not sufficient to warrant recharacterization of your discharge given your multiple periods of unauthorized absence and other offenses. 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