



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

TRG  
Docket No: 1041-08  
17 November 2008

[REDACTED]

[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 13 November 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.

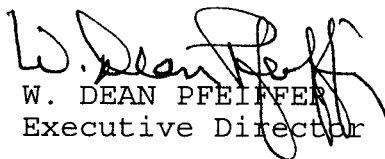
You enlisted in the Navy on 28 March 1967 at age 18. After completion of initial training, you reported to your unit in Vietnam on 19 November 1967. Subsequently, you voluntarily extended your tour of duty until June 1969. On 6 November 1969 you were convicted by a summary court-martial of four periods of unauthorized absence totaling about 67 days. The court sentenced you to forfeiture of pay and a reduction in rate. On 22 February 1972 you were convicted by a special court-martial of two periods of unauthorized absence totaling about 22 months. The court sentenced you to a bad conduct discharge and you were so discharged on 25 June 1972.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your period of good service and contention that you could not adjust after your return from Vietnam. There is no evidence in the record and you have submitted none to excuse or mitigate your record of misconduct. The Board found that these factors and contention were not sufficient to warrant recharacterization of your discharge given your multiple and lengthy periods of unauthorized absence. 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