



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

SMS
Docket No: 6199-08
19 March 2009



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 18 March 2009. 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.

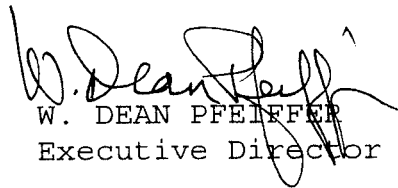
On 14 October 1958, you enlisted in the Navy at age 17 with parental consent. On 13 October 1959, you had your eighteenth birthday. During the period 28 January to 1 June 1969, you were in an unauthorized absence (UA) status on four occasions totaling about 104 days. On 24 June 1960, you were convicted by a special court-martial of the four instances of UA totaling 104 days and two instances of breaking restriction. Your sentence included reduction in rank, confinement at hard labor, forfeitures of pay, and a bad conduct discharge (BCD). After the BCD was approved at all levels of review, on 26 September 1960, you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potential mitigation, such as your youth and regret for your misconduct. The Board also considered the

letter of recommendation that you submitted with your application and your contention that you went UA because you were threatened. Nevertheless, the Board concluded that these factors were not sufficient to warrant recharacterization of your discharge due to the seriousness of your misconduct. Regarding your contention, there is no evidence in the record to support it. Therefore, 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