



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

SJN
Docket No: 07333-08
3 November 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 28 October 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.

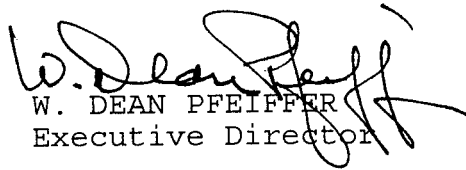
After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Navy on 30 March 1965 at age 17. On 7 February 1966, you were convicted by summary court-martial (SCM) of 24 days of unauthorized absence (UA). On 5 April 1966, you received nonjudicial punishment (NJP) for three specifications of missing restricted musters. On 28 June and 16 December 1966, you were convicted by special court-martial (SPCM) of two periods of UA totaling 91 days. As a result of your second SPCM, you were sentenced to confinement at hard labor, a forfeiture of pay, and a bad conduct discharge (BCD). You received the BCD after appellate review was completed.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth, service in Vietnam, and overall record of service. Nevertheless, the Board found that these factors were not sufficient to warrant recharacterization of your discharge given your conviction by SCM, NJP and convictions by SPCM for periods of UA lasting over three months. Further, you waived your right to request restoration to full duty, your best chance for retention or a better characterization of service. 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