



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

TJR  
Docket No: 9517-08  
19 August 2009

[REDACTED]

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 18 August 2009. The names and votes of the members of the panel will be furnished upon request. 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 Naval Reserve on 21 June 1989 at age 18 and began a period of active duty on 18 August 1989. You served without disciplinary incident until 12 March 1990, when you were convicted by summary court-martial (SCM) of a 42 day period of unauthorized absence (UA). You were sentenced to confinement on bread and water for three days, confinement at hard labor for 17 days, and a \$250 forfeiture of pay. Shortly thereafter, on 29 May 1990, you were convicted by special court-martial (SPCM) of a 21 day period of UA and wrongful appropriation of a vehicle valued in excess of \$100. You were sentenced to confinement for three months, a \$1,425 forfeiture of pay, and a bad conduct discharge (BCD). Subsequently, the BCD was approved at all levels of review and on 20 March 1991 you were so discharged and assigned an RE-4 reenlistment code.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth, post service conduct, and desire to upgrade your discharge and change your reenlistment code. It also considered your assertion that your punishment was harsh and unjust. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your BCD or a change of your reenlistment code because of the seriousness of your repetitive misconduct which resulted in two court-martial convictions for lengthy periods of UA from the Navy, both of which terminated in apprehension. Accordingly, your application has been denied.

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