



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

TJR
Docket No: 9573-09
16 July 2010

[REDACTED]

[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 13 July 2010. 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 Navy on 15 April 1969 at age 18 and served for about five months without disciplinary infraction, but during the period from 3 September 1969 to 24 November 1970, you were in an unauthorized absence (UA) status on four occasions. As a result, on 20 August 1970, you were convicted by special court-martial (SPCM) of four periods of UA totalling 265 days. You were sentenced to confinement at hard labor for four months, a \$200 forfeiture of pay, reduction to paygrade E-1, and a bad conduct discharge (BCD). Subsequently, you submitted a written request for immediate execution of the BCD, stating in part, that you could not adjust to the Navy. In September 1970 the BCD was approved at all levels of review, and on 15 June 1971 you were issued a BCD.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and desire to upgrade your discharge. It also considered your assertion of personal family matters occurring at the time you were serving in the Navy, which presumably resulted in your periods of UA. Nevertheless, these factors were not sufficient to warrant recharacterization of your discharge because of the seriousness of your repetitive and lengthy periods of UA from the Navy which resulted in a SPCM. There is no evidence in the record, and you provided none, to support your assertion. 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