



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

TJR  
Docket No: 3012-10  
26 January 2011

[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 20 January 2011. 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 5 January 1987 at age 18 and served without disciplinary incident until 1 December 1988, when you received nonjudicial punishment (NJP) for driving while intoxicated and failure to obey a lawful order. The punishment imposed was restriction for 45 days, a \$391 forfeiture of pay, and reduction to paygrade E-3.

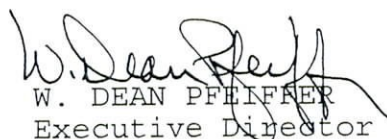
On 12 January 1989 you were convicted by special court-martial (SPCM) of a 42 day period of unauthorized absence (UA), escaping custody, and wrongful use of marijuana. You were sentenced to confinement for three months, a \$1,398 forfeiture of pay, reduction to paygrade E-1, and a bad conduct discharge (BCD). It appears that on 22 June 1989 you were again convicted by SPCM of an 83 day period of UA. Nonetheless, the BCD was approved at all levels of review, and on 7 December 1989, 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 that you were suffering from a recently diagnosed bi-polar disorder. Nevertheless, these factors were not sufficient to warrant recharacterization of your discharge given the seriousness of your drug-related misconduct, and your repetitive and lengthy periods of UA from the Navy. Finally, there is no evidence in the record, and you submitted none, to support your assertion of suffering from a bi-polar disorder during your period of service. 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