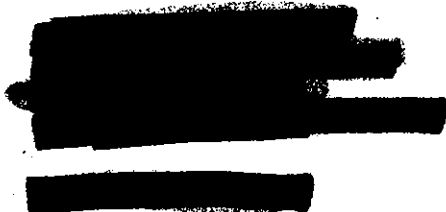




DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

TJR  
Docket No: 440-11  
21 October 2011



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 October 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 1 November 1977 at age 18. You served without disciplinary incident until 1 May 1979, when you were convicted by special court-martial (SPCM) of two periods of unauthorized absence (UA) totalling three days, conspiracy to commit larceny, and larceny. From 4 October to 3 December 1979 you were again in a UA status for 60 days, however, the record does not reflect the disciplinary action taken, if any, for this misconduct.

During the period from 10 February 1980 to 22 March 1982 you were again UA. As a result, on 27 May 1982, you were convicted by general court-martial (GCM) of a 771 day period of UA and were sentenced to confinement at hard labor for eight months, a \$1,750 forfeiture of pay, and a bad conduct discharge (BCD). On 19 April 1982 the BCD was approved at all levels of review and on 16 May 1983 you were so discharged.

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 being mentally stressed due to fear of fire. Nevertheless, these factors were not sufficient to warrant recharacterization of your discharge because of the seriousness of your repetitive misconduct and lengthy periods of UA from the Navy which resulted in two court-martial convictions. 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