



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

TJR
Docket No: 1537-11
8 November 2011

[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 2 November 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.

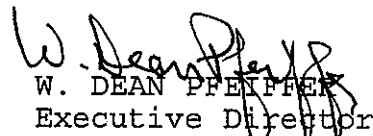
You enlisted in the Navy on 31 August 1972 at age 17 and served for about six months without disciplinary incident. However, during the period from 16 February to 19 October 1973, you received nonjudicial punishment (NJP) on three occasions for two specifications of wrongful use of marijuana, absence from your appointed place of duty, larceny, and two periods of unauthorized absence (UA) totalling three days. On 9 August 1973 you were convicted by special court-martial (SPCM) of three periods of UA totalling 27 days and sentenced to confinement at hard labor for two months, a \$408 forfeiture of pay, and a bad conduct discharge (BCD). The BCD was suspended for 12 months, but was to be remitted without further action upon continued misconduct. In this regard, during the period from 19 October 1973 to 10 July 1974, you received three more NJPs for three periods of UA totalling 16 days and missing the movement of your ship. As a result, the BCD was remitted. Nonetheless, during the period from 6 October 1974 to 25 February 1975 you were again in a UA status for 142 days. The record does not reflect the disciplinary action taken, if any, for this misconduct.

Subsequently, the BCD was approved at all levels of review, and on 6 June 1975, 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, post service conduct, and desire to upgrade your discharge. Nevertheless, these factors were not sufficient to warrant recharacterization of your discharge given the seriousness of your repetitive and lengthy periods of UA and drug related misconduct which resulted in five NJPs and an SPCM. 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