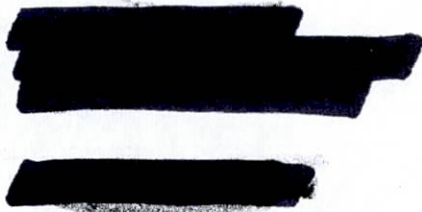




DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
701 S. COURTHOUSE RD SUITE 1001  
ARLINGTON VA 22204-2490

BAN  
Docket No: 05244-11  
21 February 2012



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 15 February 2012. 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.

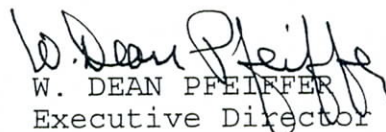
You had prior active duty service for more than three years in the Navy in which you received an honorable discharge. You reenlisted on 26 June 1980, and served without disciplinary incident until 23 May 83, when you were convicted at a special court-martial (SPCM) of an unauthorized absence (UA) in excess of 130 days. Shortly thereafter on 14 September 1984, you were convicted at another SPCM of UA in excess of 164 days, two specifications of failure to obey a lawful order, and two specifications of the illegal use of a controlled substance (marijuana). You were sentenced to receive a bad conduct discharge (BCD). Therefore, you were separated with a BCD and an RE-4 reenlistment code due to your conviction at a SPCM. You received the BCD after appellate review on 17 October 1985.

The Board, in its review of your entire record and application,

carefully weighed all potentially mitigating factors, such as your youth, prior honorable service, and claim that your characterization of service was supposed to be changed within 90 days after your discharge. However, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of the seriousness of your misconduct. You are advised that no discharge is ungraded due merely to the passage of time or post service good conduct. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

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