



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

BAN
Docket No: 00321-13
23 October 2013

[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 17 October 2013. 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.

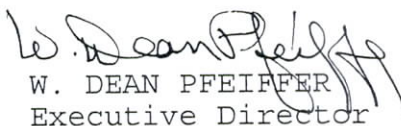
You had prior honorable service in the Navy from 1986 to 1990. You reenlisted in the Navy on 5 October 1990, and served without any disciplinary action until 20 May 1993, when you received nonjudicial punishment (NJP) for unauthorized absence (UA). Shortly thereafter, you received the following disciplinary actions: on 16 July 1993, a previous suspension was vacated; on 22 July 1993, you received NJP for UA; and on 9 February 1994, you were convicted at a special court-martial (SPCM) of UA in excess of 54 days. Your sentence included a bad conduct discharge (BCD). Therefore, on 7 September 1995, after appellate review, you received a BCD and an RE-4 reenlistment code.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your prior honorable service and claim that you need medical care. However, the Board concluded these factors were not

sufficient to warrant recharacterization of your discharge because of the seriousness of your misconduct of which you were convicted by SPCM. 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