



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

TJR

Docket No: 2293-99

24 August 1999

[REDACTED]

Dear [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 10 August 1999. 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.

The Board found you enlisted in the Navy on 10 June 1977 at the age of 17. Your record reflects that you served for two years without disciplinary incident, but on 13 June 1979 you received nonjudicial punishment (NJP) for disrespect and were awarded forfeitures totalling \$50.

Your record also reflects that on 10 March 1982 you were convicted by special court-martial (SPCM) of an 831 day period of unauthorized absence (UA). You were sentenced to confinement at hard labor for 60 days, forfeitures totalling \$734, reduction to paygrade E-1, and a bad conduct discharge (BCD). On 18 May 1983 you received the BCD.

The Board, in its review of your entire record and application, carefully considered all mitigating factors, such as your youth and immaturity, good post service conduct, and your contention that you would like your discharge upgraded since it was based on only personal isolated incident. However, the Board found the evidence and materials submitted were not sufficient to warrant recharacterization of your discharge given the seriousness of

your misconduct, especially your lengthy period of UA. Given all the circumstances of your case the Board concluded your discharge was proper as issued and no change is warranted. 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