DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON, D.C. 20370-5100

TJR
Docket No: 2986-00
23 October 2000

[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 12 October 2000. 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 14 September 1978 at the age of 19. Your record reflects that on 20 July 1979 you received nonjudicial punishment (NJP) for larceny. The punishment imposed was extra duty for 14 days and a $200 forfeiture of pay, which was suspended for 90 days.

On 22 April and again on 27 May 1980 you received NJP for three incidents of absence from your appointed place of duty and failure to obey a lawful order.

Your record reflects that on 13 January 1981 you began a 377 day period of unauthorized absence (UA) that was not terminated until 25 January 1982. On 19 February 1982 you were convicted by special court-martial (SPCM) of the foregoing period of UA. You were sentenced to confinement at hard labor for 75 days, a $600 forfeiture of pay, reduction to paygrade E-1, and a bad conduct discharge (BCD). The BCD was subsequently approved all levels of review and ordered executed. On 13 June 1983 you received a BCD.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity, and your contention that your ability to serve was impaired by your personal and marital problems. The Board also considered the statement from the American Legion requesting that your discharge be upgraded. However, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge given your misconduct and lengthy period of UA from the Navy. 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