



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

TJR
Docket No: 9508-02
8 September 2003

[REDACTED]

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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 3 September 2003. 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 5 December 1967 at age 17 and served for a year and three months without disciplinary incident. However, during the period from 19 March to 12 August 1969 you were in an unauthorized absence (UA) status on two occasions for a total of 93 days. About a month later, on 17 September 1969, you were convicted by special court-martial (SPCM) of the foregoing periods of UA. You were sentenced to confinement at hard labor for four months, reduction to paygrade E-1, a \$328 forfeiture of pay, and a bad conduct discharge (BCD).

Subsequently, you submitted a written request for immediate execution of the BCD. After the BCD was approved at all levels of review, on 16 December 1969 you were so discharged.

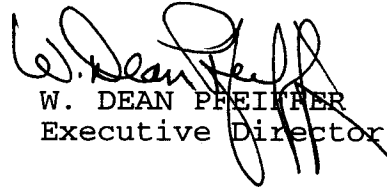
The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity, service in Vietnamese waters, and your contention that the discharge was incorrect and unjust. Nevertheless, the Board concluded these factors and contention were not sufficient to warrant recharacterization of your

discharge because of your repetitive and lengthy periods of UA which resulted in a court-martial conviction. 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