



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

CRS
Docket No: 4765-01
19 October 2001

[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 17 October 2001. 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 that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Navy on 19 August 1982 at age 24. The record reflects that you received three nonjudicial punishments and were convicted by a summary court-martial. The offenses included unauthorized absences totalling two days, absence from your appointed place of duty, failure to obey a lawful order, consuming alcohol in a restricted status, drunk and disorderly conduct, communicating a threat, and assault.

On 7 January 1985 the commanding officer recommended that you be separated with a general discharge by reason of misconduct due to alcohol dependency. However, the recommendation was disapproved by the discharge authority and it was directed that you be reprocessed for discharge.

On 12 March 1985 the commanding officer recommended that you be separated with an other than honorable discharge by reason of misconduct due to a pattern of misconduct and commission of a serious offense. It was also recommended that you be discharged

for alcohol abuse rehabilitation failure. When informed to the recommendation, you elected to waive the right to present your case to an administrative discharge board. After review by the discharge authority, the recommendation for separation was approved and you were discharged with an other than honorable discharge by reason of misconduct due to a pattern of misconduct.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as the contention that you believed that you would receive a general discharge. However, the Board concluded that these factors were not sufficient to warrant recharacterization of your discharge, given your record of frequent involvement with military authorities. The Board especially noted the fact that you were the subject of four disciplinary actions within a period of less than three years. In this regard, while it is clear that you were recommended for a general discharge, it was disapproved and subsequently you waived your procedural rights when recommended for an other than honorable discharge. Based on the foregoing, the Board concluded that no change to the discharge 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