



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

WMP

Docket No: 0133-02

14 June 2002

[REDACTED]

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10 of the 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 June 2002. 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 12 September 1989 for four years at age 18. You served without incident until 13 January 1992, when you received nonjudicial punishment (NJP) for disrespect to a senior petty officer, underage drinking, and drunk and disorderly conduct. Punishment imposed was forfeiture of \$393 per month for two months, 45 days restriction and extra duty, and a reduction in rate. The forfeitures and the reduction were suspended for six months. Additionally, you were counseled and warned concerning your deficiencies, informed of the necessary corrective action and told about assistance that was available to you, and advised that further misconduct could result in processing for administrative separation.

On 7 April 1992, due to your continued misconduct, the previously suspended punishment from the NJP of 13 January 1992 was vacated. Additionally, you received NJP on that date for failure to be at your appointed place of duty, failure to obey a lawful order, and drunk on duty. Punishment imposed was a forfeiture of \$393 per month for two months, 60 days restriction, and reduction in rate.

On 15 April 1992, you again received NJP for failure to be at your appointed place of duty, breaking restriction, drinking in a restricted status, wearing civilian clothes, not remaining in location during prescribed time and missing four musters. Punishment imposed was 45 days of restriction and extra duty.

On 15 April 1992, you were notified that separation action was being initiated by reason of misconduct due to a pattern of misconduct. You were advised of and waived all of your procedural rights, except the right to obtain copies of the documents supporting the proposed separation.

On 29 April 1992 the separation action was forwarded to the Chief of Naval Personnel for final action and on 5 June 1992, your discharge was directed under other than honorable conditions by reason of misconduct. On 26 June 1992 you were so discharged.

In its review of your application the Board carefully weighed all potentially mitigating factors such as your contention that your ability to serve was impaired by your youth and immaturity, personal problems and your use of alcohol. However, the Board concluded that the record fully supported processing for separation due to a pattern of misconduct as evidenced by your three NJP's for numerous offenses. Furthermore, the Board concluded that your discharge under other than honorable conditions was appropriate, based on your NJP's, and your complete disregard for regulations, as evidenced by the serious nature of your offenses. Finally, alcohol abuse is not an excuse for misconduct, and separation under other than honorable conditions may be directed as a result of such offenses. Finally an RE-4 reenlistment code is required when an individual is separated by reason of misconduct. 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