



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

TJR
Docket No: 2228-02
19 September 2002



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 September 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 the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Navy on 1 April 1980 at the age of 20. On 2 December 1981 you received nonjudicial punishment (NJP) for three specifications of assault, communicating a threat, drunk and disorderly conduct, two specifications of disrespect, using provoking speech, resisting arrest, and damaging government property. The punishment imposed was restriction for 12 days, a \$200 forfeiture of pay, correctional custody for 24 days, and a suspended reduction in rate.

On 8 April and again on 12 May 1983 you received NJP for two specifications of disrespect, disobedience, disorderly conduct, improperly wearing your uniform, and drunkenness while on duty.

Subsequently, your commanding officer recommended separation by reason of alcohol abuse rehabilitation failure, and stated that you had utilized all the Navy's programs concerning alcohol rehabilitation but continued to be a disciplinary problem as a result of alcohol abuse. However, on 28 May 1983, the discharge authority disapproved this recommendation and directed

administrative reprocessing by reason of misconduct due to a pattern of misconduct. On 2 June 1983 you were notified of pending administrative separation action by reason of misconduct due to a pattern of misconduct. At that time you waived your rights to consult with legal counsel and to present your case to an administrative discharge board. Your commanding officer recommended discharge under other than honorable conditions by reason of misconduct due to a pattern of misconduct. On 10 June 1983 the discharge authority directed an other than honorable discharge by reason of misconduct, and on 20 June 1983 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. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of your repetitive 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