



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

TJR
Docket No: 2441-02
22 May 2002

[REDACTED]

[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 21 May 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 14 October 1980 at the age of 19. Your record reflects that you served for a year and three months without disciplinary incident until 12 January 1982, when you received nonjudicial punishment (NJP) for absence from your appointed place of duty and disobedience. The punishment imposed was a \$150 forfeiture of pay and restriction and extra duty for seven days. On 24 April and again on 23 July 1982 you received NJP for dereliction in the performance of your duties, absence from your appointed place of duty, being drunk on duty, and failure to obey a lawful order. During the period from 24 September to 9 December 1982 you received NJP on three more occasions for failure to obey a lawful order, larceny in the amount of \$222, and wrongful possession of marijuana aboard ship.

On 14 December 1982 you were notified of pending administrative separation action by reason of misconduct due to drug abuse and commission of a serious offense as evidenced by the six NJPs. At that time you waived your rights to consult with legal counsel and to present your case to an administrative discharge board. The following day, on 15 December 1982, you were diagnosed as alcohol dependent, but not drug dependent. The evaluator also recommended you for administrative separation.

On 21 December 1982 your commanding officer recommended an other than honorable discharge by reason of misconduct due to drug abuse and commission of a serious offense. The following comments were noted in the recommendation for separation:

(Member) psychologically alcohol dependent; not drug dependent and would not benefit from rehabilitation; has committed numerous disciplinary infractions; has received NJP on six occasions over past 10 months with the latest offenses of breaking into a shipmate's locker and stealing \$222 and possession of drugs aboard ship; overall performance has been substandard and his lackadaisical attitude has jeopardized the effectiveness of his unit.

On 7 January 1983 the discharge authority directed an other than honorable discharge by reason of misconduct. On 10 January 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, post service conduct, and your contention that your ability to serve was impaired by your use of alcohol. It also considered your character reference letters. Nevertheless, the Board concluded these factors and contention were not sufficient to warrant recharacterization of your discharge because of the serious nature of your repetitive misconduct which resulted in six NJPs. 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