



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

TJR
Docket No: 3041-02
13 November 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 13 November 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 24 April 1981 at the age of 19. At that time you had received a graduate equivalency diploma (GED). On 30 October and again on 18 December 1981, you received nonjudicial punishment (NJP) for four specifications of disobedience, failure to obey a lawful order, communicating a threat, and drunk and disorderly conduct. On 23 September and 18 November 1982 you received NJP for disrespect, insubordination, two specifications of failure to obey a lawful order, drunk and disorderly conduct, urinating on deck, breach of peace, wrongful appropriation, assault, and two specifications of using provoking words and gestures.

On 27 April 1983 you received NJP for failure to go to your appointed place of duty, drunkenness on duty, and using provoking gestures. The punishment imposed was a \$570 forfeiture of pay. On 23 June 1983 you received your sixth NJP for disobedience, communicating a threat, two specifications of drunk and

disorderly conduct, possession of drug paraphernalia, and four specifications each of disrespect, failure to obey a lawful order, and wrongful possession of marijuana. The punishment imposed was restriction for 20 days and a \$500 forfeiture of pay.

On 13 July 1983 you were notified of pending administrative separation action by reason of misconduct due to frequent involvement of a discreditable nature with military authorities. At that time you waived your right to consult with legal counsel and to present your case to an administrative discharge board. On 19 July 1983, after undergoing a medical examination, you were found not to be drug or alcohol dependent. Subsequently, on 1 August 1983, your commanding officer recommended an other than honorable discharge by reason of misconduct due to drug abuse and frequent involvement of a discreditable nature with military authorities. On 21 August 1983 the discharge authority then directed an other than honorable discharge by reason of misconduct, and on 31 August 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, limited education, alcohol problem, and post service accomplishments. It also considered your contentions of inadequate alcohol rehabilitation and not receiving a mental examination. Regarding your contention of good post service conduct, a Federal Bureau of Investigation (FBI) reports states that since discharge you have been convicted by civil authorities of driving under the influence and disorderly intoxication. Further, the Board considered your contentions that your misconduct consisted of isolated and minor offenses, and your ability to service was impaired by your limited education and alcohol abuse. Nevertheless, the Board concluded these factors and contentions were not sufficient to warrant recharacterization of your discharge because of your repetitive misconduct. The Board also noted that although you had an alcohol abuse problem, you received treatment for that problem in February and December 1982. Also, the Board noted that there is no evidence in the record, and you submitted none to support your contentions. 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