



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

TJR
Docket No: 10212-02
8 September 2003

[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 3 September 2003. 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 reenlisted in the Navy on 19 June 1989 after nearly four years of prior honorable service. You continued to serve without disciplinary incident until 10 August 1990, when you received nonjudicial punishment (NJP) for a 26 day period of unauthorized absence (UA), absence from your appointed place of duty, and missing the movement of your ship. The punishment imposed was reduction to paygrade E-4.

You were in a UA status from 27 to 30 January 1992, however, the record does not reflect the disciplinary action taken, if any, for this misconduct.

On 6 March 1992, after undergoing a psychiatric evaluation, you were diagnosed as alcohol dependent even though you had participated in a Level III in-patient rehabilitation program in February 1990. You were also diagnosed with drug abuse and a

personality disorder with borderline and dependent traits. The psychiatric evaluation report further stated, in part, that you had suicidal ideation and were unable to control your alcohol intake. You were then recommended you for an administrative separation.

On 18 March 1992 you received NJP for a 17 day period of UA and missing the movement of your ship. The punishment imposed was restriction and extra duty for 21 days and a reduction to paygrade E-4.

Subsequently, on 22 April 1992, you were notified of pending administrative separation action by reason of misconduct due to commission of a serious offense. At that time you waived your right to consult with legal counsel and to present your case to an administrative discharge board. On 29 April 1992 your commanding officer recommended separation by reason of misconduct due to commission of a serious offense. On 4 June 1992 the discharge authority then directed a general discharge by reason of misconduct, and on 15 June 1992 you were so discharged. At that time you were assigned an RE-4 reenlistment code.

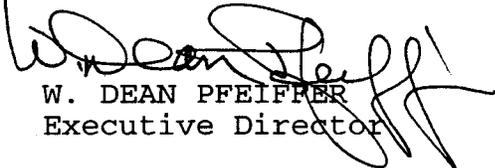
The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your prior honorable service and your contention that your punishment for being UA was excessive. It further considered your contention no one explained the assignment of the RE-4 reenlistment code. Nevertheless, the Board concluded these factors and contentions were not sufficient to warrant recharacterization of your discharge or a change in the reenlistment code because of the serious nature of your misconduct. Further, an RE-4 reenlistment code is required when an individual discharged for 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