



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

FC
Docket No: 00599-03
16 June 2003

[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 11 June 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 that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you reenlisted on 12 November 1980 after about three years of prior active service. On 14 May 1981 you received nonjudicial punishment (NJP) for absence from your appointed place of duty, and were awarded a forfeiture of pay and a suspended reduction to paygrade E-4. On 4 September 1981 you received a second NJP for failure to go your appointed place of duty at the prescribed time and dereliction of duty and were awarded a reduction to paygrade E-4 and forfeitures of pay. On 23 October 1982 you were awarded a third NJP for driving on base while under suspension, and were awarded forfeitures of pay and a suspended reduction in paygrade to E-3. On 21 January 1983 you received a fourth NJP for absence from your appointed place of duty and disobedience of a direct order to remove a gas mask, and were awarded restriction and extra duty. Further, the suspended reduction to paygrade E-3 was vacated from the previous NJP. On

4 May 1983 you completed inpatient level III alcohol rehabilitation treatment. On 23 September 1983 you received a fifth NJP for absence from your appointed place of duty and were awarded a reduction to paygrade E-2, forfeitures of pay, extra duty and suspended restriction.

On 13 October 1983, you were notified of administrative separation processing and you waived all of your procedural rights. On 21 October 1983 the commanding officer recommended an other than honorable discharge by reason of misconduct due to a pattern of misconduct. On 1 November 1983, the separation authority directed discharge, and on 11 November 1983 you were discharged under other than honorable conditions.

In its review of your case, the Board carefully weighed all potentially mitigating factors such as the period of good service during your first enlistment, and the length of time that has passed since you were discharged from the Marine Corps, and your contention of alcohol dependency during you period of service. However, the Board found that these factors were not sufficient to warrant recharacterization of your discharge given your frequent misconduct that resulted in five NJPs. Concerning your contention of alcohol dependency, the record shows that you were provided inpatient alcohol rehabilitation treatment. However, you received your fifth NJP about four months after completing this treatment. Therefore, the Board concluded that the record showed that you were treated fairly. 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