



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

TRG
Docket No: 8097-06
22 January 2008

[REDACTED]

Dear [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 15 January 2008. 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.

You enlisted in the Marine Corps on 12 December 1985 at age 20, after a brief period of service in the Army Reserve. During the period from 10 April 1986 to 24 November 1986, you received nonjudicial punishment (NJP) on five occasions. Your offenses were absence from your appointed place of duty and being incapacitated for duty due to intoxication, sleeping on post, disrespect, unauthorized absence for about eight hours and other unspecified violations of Articles 86 and 134 of the Uniform Code of Military Justice. Additionally, you were counseled on four occasions concerning unauthorized absence, poor performance, abuse of alcohol and unbecoming behavior which resulted in hospitalization and confinement. In August of 1986 you were sent to an alcohol rehabilitation program.

Based on the foregoing record you were processed for an administrative discharge by reason of a pattern of misconduct. In connection with his processing, you elected to waive the right to have your case heard by an administrative discharge board. After review, the discharge authority directed discharge under other than honorable conditions and you were so discharged on 23 January 1987.

In its review of your application the Board carefully weighed all

potentially mitigating factors, such as your youth and claim that you developed an alcohol abuse problem while in the Marine Corps. You state in your application that you desire a correction to your record because you are homeless and need assistance from the Department of Veterans Affairs. The Board found that these factors and contentions were not sufficient to warrant recharacterization of your discharge given your extensive disciplinary record and failure to respond to counseling and alcohol rehabilitation. The Board was aware that alcohol abuse is not an excuse for misconduct and disciplinary action is appropriate following alcohol related misconduct. The Board concluded that the discharge was proper as issued and no change is warranted.

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