



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

JRE
Docket No. 03931-07
9 May 2008

[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 8 May 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 Navy on 16 May 1977. You received nonjudicial punishment on three occasions between 19 July 1977 and 12 December 1978, and were convicted by summary court-martial, for multiple unauthorized absence offenses, and a drug offense. You were convicted by civil authorities on 11 April 1979 of auto theft, and on 15 May 1979 of breaking and entering. On 24 February 1980, you were convicted by special court-martial of four periods of unauthorized absence of a total duration of more than 200 days. You were sentenced to confinement at hard

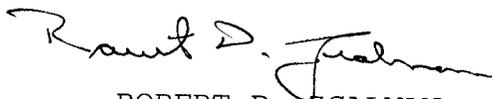
labor, reduction in rate, forfeiture of pay, and a bad conduct discharge. You were separated from the Navy with a bad conduct discharge on 4 February 1982, upon completion of the appellate review of your conviction and sentence.

Although alcoholism may render a service member unsuitable for military service, it is not considered to a disability under the laws administered by the military departments. In addition, you have not demonstrated that any of your numerous offenses was caused by or related to your alleged alcoholism, or that you lacked mental responsibility for your conduct. There is no indication in the available records that you suffered from a condition that rendered you unfit for duty by reason of physical disability at the time of your discharge. You would not have been entitled to disability evaluation processing even if you had suffered from such a condition, because your conviction by special court-martial and punitive discharge would have taken precedence over disability processing.

In view of the foregoing, 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,



ROBERT D. ZSALMAN
Acting Executive Director