



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

SMW
Docket No: 7864-07
15 May 2008

[REDACTED]

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

On 25 August 1986, you enlisted in the Navy at age 18. On 2 November 1987, you were counseled regarding alcohol abuse and how it was having a negative affect on your home life. You were also recommended to receive substance abuse treatment and warned that further infractions could result in disciplinary action or an other than honorable (OTH) discharge. On 9 November 1987, you had nonjudicial punishment (NJP) for assault consummated by battery. On 18 December 1987, a substance abuse evaluation found that you abused alcohol. During the period 31 December 1988 to 19 December 1989, you had three NJP's for underage drinking, an unspecified period of unauthorized absence (UA), disrespect, failure to obey a lawful order, two instances of drunkenness, disobedience of a lawful order, and misbehavior of a sentinel. Based on the information currently contained in the record, it appears that you were diagnosed with depression and alcoholism.

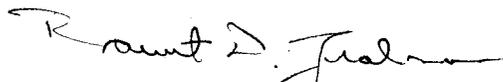
On 27 February 1990, your commanding officer initiated administrative separation by reason of misconduct due to a pattern of misconduct, commission of a serious offense and by reason of convenience of the government due to alcohol rehabilitation failure. In connection with this processing, you acknowledged that separation could result in an OTH discharge and waived the right to have your case heard by an administrative discharge board (ADB). On 16 March 1990, the separation authority approved the separation recommendation and directed an OTH discharge by reason of misconduct due to commission of a serious offense. Based on the information currently contained in the record, it appears that you were given an opportunity to receive substance abuse treatment at a Department of Veterans Affairs hospital. On 23 April 1990, you were separated with an OTH discharge by reason of misconduct due to commission of a serious offense.

The Board, in its review of your entire record and application, carefully weighed all potential mitigation, such as your youth, alcohol abuse, and social security benefits. The Board also considered your contention that personal problems may have attributed to your abuse of alcohol and subsequent discharge. Nevertheless, the Board concluded that these factors were not sufficient to warrant recharacterization of your discharge due to the seriousness of your misconduct that continued even after you were counseled and warned that further infractions could result in an OTH discharge. Regarding your contentions, personal problems and alcohol abuse do not excuse misconduct. Finally, the Board noted that you waived the right to have your case heard by an ADB, your best opportunity for retention or a more favorable characterization of service. Therefore, 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,

A handwritten signature in cursive script, appearing to read "Robert D. Zsalmán".

ROBERT D. ZSALMAN
Acting Executive Director