



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

TJR
Docket No: 9184-07
6 November 2008

[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 5 November 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.

You enlisted in the Navy on 10 February 1986 at age 21. About eight months later, on 7 October 1986, you received nonjudicial punishment (NJP) for drunk and disorderly conduct and being incapacitated for duty. The punishment imposed was extra duty and restriction for 30 days, reduction to paygrade E-3, and a \$824 forfeiture of pay.

On 1 June and again on 8 December 1988 you received NJP for signing a false official statement, insubordination, refusing to get out of your rack, using provoking words and gestures, three specifications of drunk and disorderly conduct, being incapacitated for duty due to intoxication, and absence from your appointed place of duty. A month later, on 9 January 1989 you received your fourth NJP for failure to go to your appointed place of duty, breaking restriction, disobedience, and a three day period of unauthorized absence (UA).

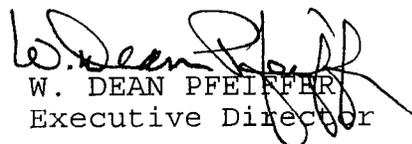
Subsequently, you were notified of pending administrative separation by reason of misconduct due to a pattern of misconduct. At that time you waived your right to consult with legal counsel and to present your case to an administrative discharge board (ADB). On 18 January 1989 your commanding officer recommended discharge under other than honorable conditions by reason of misconduct due to a pattern of misconduct, commission of a serious offense, and alcohol rehabilitation failure. On 27 January 1989 the discharge authority approved this recommendation and directed an other than honorable discharge, and on 1 February 1989, you were so discharged and assigned an RE-4 reenlistment code. At that time you declined in-patient treatment at a veterans' hospital for your alcohol abuse.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth, post service conduct, and desire to upgrade your discharge and change your reenlistment code so that you may reenlist. It also considered your assertion that your misconduct, discharge, and reenlistment code were the result of your abuse of alcohol. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge or a change of the reenlistment code because of your frequent and repetitive misconduct which resulted in four NJPs. 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