



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

TJR  
Docket No: 9236-07  
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 18 July 1978 at age 18 and served without disciplinary incident until 2 October 1979, when you received nonjudicial punishment (NJP) for disrespect, two specifications of assault, disobedience, failure to obey a lawful order, using provoking speech and gestures, and an unspecified offense. The punishment imposed was a \$200 forfeiture of pay, extra duty for 45 days, and reduction to paygrade E-2, all of which was suspended for six months.

On 11 September 1980 you were convicted by special court-martial (SPCM) of a six day period of unauthorized absence (UA) and missing the movement of your ship. You were sentenced to confinement at hard labor for 45 days and reduction to paygrade E-2. About three months later, on 18 December 1980, you were convicted by SPCM of disrespect, assault, disobedience by drinking alcoholic beverages while on restriction, theft of a case of beer valued at \$5.40, and communicating a threat. You

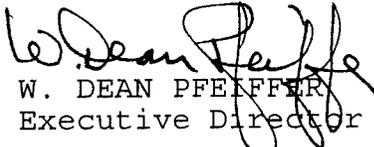
were sentenced to confinement at hard labor for 45 days, a \$1,000 forfeiture of pay, reduction to paygrade E-1, and a bad conduct discharge (BCD). Subsequently, the BCD was approved at all levels of review, and on 24 May 1982 you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and assertions that your misconduct and discharge were the result of you being under the influence of alcohol, and that you were not offered treatment for your alcohol abuse. Nevertheless, these factors were not sufficient to warrant recharacterization of your discharge because of the seriousness of your repetitive and frequent misconduct which resulted in NJP and two court-martial convictions. Finally, your assertion of alcoholism is not an excuse for misconduct, and disciplinary action and an administrative separation are appropriate for alcohol related offenses. 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