



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

SMW

Docket No: 10122-07

26 June 2008

[REDACTED]

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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 25 June 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 23 November 1981, you enlisted in the Navy at age 17 with parental consent. On 13 August 1982, you had nonjudicial punishment (NJP) for two instances of failure to go to your appointed place of duty. On 29 September 1982, you were counseled regarding deficiencies in your performance and conduct and warned that further infractions could result in disciplinary action or an other than honorable (OTH) discharge. On 1 October 1982, you had NJP for use of marijuana and possession of drug paraphernalia. You were subsequently evaluated and received treatment for substance abuse. On 10 November 1982, you were counseled regarding deficiencies in your performance and conduct and warned that further infractions could result in disciplinary action or an OTH discharge. During the period 12 November 1982 to 18 February 1983, you had three NJP's. Your offenses included disrespect, willful disobedience of a lawful order, a 17 day

period of unauthorized absence, failure to go to your appointed place of duty, and dereliction in the performance of your duties.

On 24 March 1983, your commanding officer initiated administrative separation by reason of misconduct due to a pattern of misconduct. 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 21 April 1983, you completed alcohol rehabilitation treatment. On 2 May 1983, the separation authority approved the discharge recommendation and directed an OTH discharge by reason of misconduct due to a pattern of misconduct. On 12 May 1983, you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potential mitigation, such as your youth, desire for a better discharge, and alcohol abuse. 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 after you were warned that further infractions could result in an OTH discharge. The Board also 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,


W. DEAN PFEIFFER
Executive Director