



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

TRG

Docket No: 10967-07

19 August 2008



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 12 August 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 Marine Corps on 1 May 1981 at age 17. During the period from 14 March 1982 to 7 July 1982, you received nonjudicial punishment on four occasions. Your offenses were two instances of assault, breaking restriction, sleeping on post, disobedience and damaging private property. A special court-martial convened on 5 October 1982 and convicted you of three instances of assault. The sentence of the court included forfeitures of pay, reduction in grade and confinement at hard labor for three months. Subsequently, you were in an unauthorized absence status in March 1983 for about six days.

Based on the foregoing record, you were processed for an administrative discharge by reason of misconduct. After review, the discharge authority directed discharge under other than honorable conditions and you were so discharged on 23 May 1983.

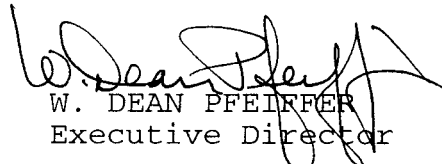
In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth and contention that you became an alcoholic while in the Marine Corps. You believe that if you had received treatment for alcoholism that you would have completed your enlistment. The Board found that these factors and contention were not sufficient to warrant recharacterization of your discharge given your multiple offenses

which suggests willful misconduct. There is no evidence in the record and you have submitted none to show that alcoholism led to your misconduct. However, the Board was aware that alcohol abuse is not considered to be an excuse for misconduct and disciplinary action is appropriate following alcohol related offenses. 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