



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

SMS  
Docket No: 1471-08  
25 September 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 24 September 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.

On 28 February 1982, you reenlisted in the Marine Corps at age 20. On 8 December 1982 and 10 March 1983, you had nonjudicial punishment (NJP) for two instances of disobedience of a lawful order, drunk and disorderly conduct, use of marijuana, and leaving your appointed place of duty. On 10 March 1983, you were counseled regarding deficiencies in your performance and conduct and warned that further infractions could result in disciplinary action or administrative separation. On 12 May 1983, suspended punishment from the NJP that you had on 8 December 1982, was vacated due to unspecified misconduct.

Based on the information currently contained in the record, it appears that your commanding officer subsequently initiated administrative separation action by reason of misconduct due to a pattern of misconduct and drug abuse. In connection with this processing, you would have acknowledged that separation could result in an other than honorable (OTH) discharge and been given an opportunity to have your case heard by an administrative discharge board (ADB). Apparently the separation authority approved the discharge recommendation and directed an OTH discharge by reason of misconduct due to a pattern of misconduct. On 10 June 1983, you were so discharged.

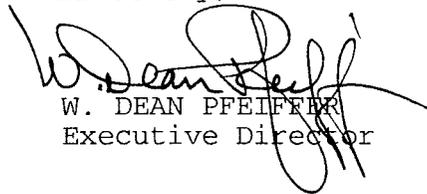
The Board, in its review of your entire record and application, carefully weighed all potential mitigation, such as your prior period of honorable service and desire for a better discharge. The Board also considered your contention that you were not offered help with alcohol abuse. Nevertheless, the Board concluded that these factors were not sufficient to warrant recharacterization of your discharge due to the seriousness of your misconduct that continued even after you were warned that further infractions could result in

administrative separation. Regarding your contention, available medical records show that you did receive treatment for alcohol abuse. However, alcohol abuse does not excuse misconduct. 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.

The Board noted that as a result of your prior honorable service, you may be eligible for veterans' benefits. You should contact the nearest office of the Department of Veterans Affairs if you desire clarification about your eligibility for those benefits.

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