



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

SMS
Docket No: 1737-08
9 October 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 8 October 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 26 March 1986, you enlisted in the Navy at age 19. On 8 July 1987, 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 23 July 1987, you had nonjudicial punishment (NJP) for absence from your appointed place of duty and misbehavior of a sentinel. You were also counseled regarding these offenses and warned that further infractions could result in disciplinary action or an OTH discharge. During 20 to 29 March 1988, you were hospitalized for treatment of alcoholism. On 10 May 1988, you were warned that failure to satisfactorily complete substance abuse treatment or further infractions could result in disciplinary action or an OTH discharge. On 16 July and 21 November 1988, you had NJP for

failure to go to your appointed place of duty and a day of unauthorized absence. On 21 November 1988, you were counseled regarding deficiencies in your performance and conduct and warned that further infractions could result in disciplinary action or an OTH discharge. You then served without incident until 9 November 1989, when you had NJP for assault.

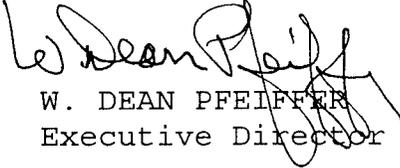
On 7 December 1989, your commanding officer initiated administrative separation by reason of misconduct due to a pattern of misconduct and commission of a serious offense. In connection with this processing, you acknowledged that separation could result in an OTH discharge and waived the right to have your case heard by an administrative discharge board (ADB). On 14 December 1989, the separation authority approved the discharge recommendation and directed an OTH discharge by reason of misconduct due to commission of a serious offense. On 22 December 1989, you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potential mitigation, such as your youth. The Board also considered your contention that alcohol abuse contributed to your misconduct. Nevertheless, the Board concluded that these factors were not sufficient to warrant recharacterization of your discharge due to your misconduct that continued even after you were warned that further infractions could result in an OTH discharge. Regarding your contention, the record does show that you were diagnosed and treated for alcoholism, but even if you were, that 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.

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