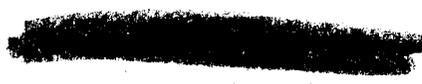




DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

JRE
Docket No. 02414-08
12 December 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 4 December 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.

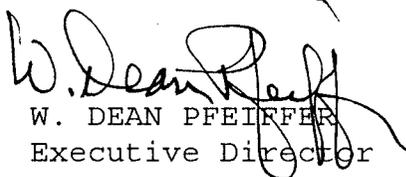
The Board found that you enlisted in the Navy on 13 September 1988. You received nonjudicial punishment on three occasions between 8 June and 23 July 1991, for violating a lawful order, driving while under the influence (DUI) of alcohol, and absence from your appointed place of duty. You underwent a pre-separation physical examination of 30 October 1991, and were found not physically qualified for separation because of abnormal laboratory test results. You were reexamined on 19 December 1991, and found fit for duty. You were discharged by reason of misconduct/commission of a serious offense on 30

December 1991, with a discharge under other than honorable conditions, based on a second DUI offense.

The Board was not persuaded that you were unfit for duty by reason of physical disability on 30 December 1991. As indicated above, you were found fit for duty 19 December 1991, and you have not submitted any evidence which contravenes that finding. In addition, the Board noted that you would not have been entitled to disability separation or retirement even if you had been unfit for duty, because your discharge by reason of misconduct would have taken precedence over disability evaluation processing. The Board concluded that in light of your extensive disciplinary record, your service was properly characterized as under other than honorable conditions, and that you have not demonstrated that it would be in the interest of justice for the Board to upgrade your discharge. 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