



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

TRG
Docket No: 2603-08
9 July 2008

Dear [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 8 July 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 Navy on 5 March 1984 at age 33. During the period from 6 March to 16 September 1986, you received nonjudicial punishment on two occasions. Your offenses were dereliction of duty and an unauthorized absence of about 31 days.

On 16 December 1987 you were notified of separation process by reason of the dereliction of duty charge and alcohol rehabilitation failure. Subsequently, the commanding officer recommended a general discharge. However, after review, the separation authority noted that the 31 day period of unauthorized absence was not included in the discharge recommendation and returned the case to the command for further processing.

On 16 January 1987 you were again notified of separation processing with the 31 day period of unauthorized absence included. In connection with this processing, you elected to waive the right to have your case heard by an administrative discharge. However, your commanding officer again recommended a general discharge. After review, the discharge authority determined that with the 31 day period of unauthorized absence included, a discharge under other than honorable conditions was appropriate. However, you were granted a delay in discharge so that you could receive treatment for alcohol dependence prior to

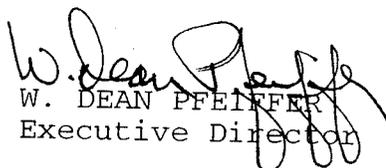
discharge. You were discharged under other than honorable conditions on 21 April 1987.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your unsupported contentions that you became addicted to alcohol while in the Navy and that you have since overcome your alcoholism and are a productive citizen. The Board found that these factors and contentions were not sufficient to warrant recharacterization of your discharge given your record of misconduct. The Uniform Code of Military Justice classifies a period of unauthorized absence of 31 days as a serious offense for which a bad conduct discharge may be issued if the individual is convicted by a court-martial. Further, the Board believed that sometime during the 31 day period of absence, you had to have made a knowing decision not to return to duty. 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