



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

SJN  
Docket No: 03136-08  
12 February 2009

[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 10 February 2009. 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 the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Marine Corps and began a period of active duty on 4 March 1986 at age 20. During the period from 30 March 1987 to 1 August 1988, you were convicted by summary court-martial (SCM) of use of marijuana, and three nonjudicial punishments (NJP's) for two instances of disobedience, disrespect, assault, two instances of absence from your appointed place of duty, and breaking restriction. Additionally, you were counseled and warned that further misconduct could result in administrative discharge action.

Based on the information currently contained in your record it appears you were admitted to a Level III alcohol rehabilitation program on 27 January 1988. However, on 28 December 1988, you were released from the program due to your inability or refusal to participate in the treatment and rehabilitation. The report stated, in part, that you were found to be alcohol dependent and not suitable for further service.

On 20 March 1989, administrative discharge action was initiated to separate you by reason of alcohol abuse rehabilitation failure. You waived your rights to consult counsel, submit a statement or have your case heard by an administrative discharge board. You elected only to obtain copies of documents supporting the basis for separation. Your commanding officer recommended separation with a general discharge by reason of alcohol abuse rehabilitation failure. On 29 March 1989, the separation authority directed a general discharge by reason of alcohol abuse rehabilitation failure. On 7 April 1989 you were so discharged.

Characterization of service is based in part on conduct and proficiency averages computed from marks assigned on a periodic basis. Your conduct average was 3.3. At the time of your service, a conduct average of 4.0 was required for a fully honorable characterization of service.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth and overall record of service. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge given your record of three NJP's, conviction by SCM for drug use, failure to adhere to your command's rehabilitation program, and failure to attain the required average in conduct. 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