



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

TRG
Docket No: 5803-08
17 November 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 4 November 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 initially enlisted in the Marine Corps on 22 May 1972 and reenlisted on several occasions. On 19 July 1979 you received nonjudicial punishment (NJP) for unauthorized use of a government vehicle, operating a government vehicle within eight hours of drinking alcohol, and allowing an unauthorized person to drive a government vehicle which resulted in an accident. Subsequently, you were diagnosed as being an alcoholic and on 3 November 1980 you were admitted for alcohol rehabilitation. You apparently successfully completed the program because on 27 April 1981 you were allowed to reenlist for six years. On 1 October 1981 you were promoted to gunnery sergeant.

On 8 November 1983 and 28 December 1984 you received NJP for disobeying an order not to consume alcoholic beverages, being drunk on duty, failure to go to your appointed place of duty and disobedience.

Based on the foregoing record and your refusal to attend another alcohol rehabilitation program you were processed for an administrative discharge. On 11 February 1985, your commanding officer recommended an honorable discharge stating that after your last alcohol related NJP you were offered an opportunity to attend another alcohol rehabilitation program but you had refused

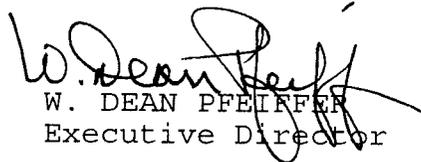
treatment. After review, the separation authority directed a general discharge by reason of alcohol rehabilitation failure and the assignment of an RE-3C reenlistment code. The general discharge was issued on 15 March 1985. At that time you had completed over 13 years of active service.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your prior honorable service and your contention that the reason for your discharge should be changed because no alcohol-related incident occurred. The Board found that these factors and contention were not sufficient to warrant recharacterization of your discharge given your disciplinary record in your last enlistment. It is clear that the offenses which resulted in the 8 November 1983 NJP were alcohol-related and your commanding officer clearly stated that the offenses at the last NJP were alcohol related. Further, your fitness report for the period ending 28 December 1984 is adverse. The Board concluded that the discharge by reason of alcohol rehabilitation failure and a correction to your record is not 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