



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

SMS  
Docket No: 5807-08  
26 February 2009



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 25 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 that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

On 2 March 1981, you enlisted in the Navy at age 18. On 24 September 1981, you had nonjudicial punishment (NJP) for a three day period of unauthorized absence (UA). On 18 June 1982, you had a motorcycle accident and were found to have a blood alcohol content of .21. On 21 July 1983, a substance abuse evaluation stated that you disclosed very little information and concluded that you abused alcohol. On 1 August 1983, you had NJP for being intoxicated while on duty. You were also 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.

During the period 22 August to 27 October 1983, you were disenrolled from several substance abuse programs, had suspended punishment vacated from the NJP dated 1 August 1983, and had two urinalyses that tested positive for marijuana. On 31 October 1983, you were counseled regarding your alcohol abuse, advised to seek substance abuse assistance, and warned that further infractions could result in disciplinary action or an OTH discharge. On 4 November 1983, you were convicted by a summary court-martial of two instances of UA totaling three days, two instances of disobedience of a lawful order,

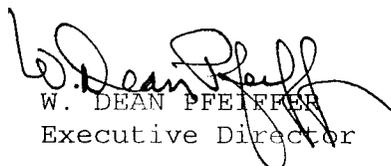
and violation of a lawful order. On 5 November 1983, a drug report stated that you had no potential for further service due to your lack of effort.

On 5 November 1983, your commanding officer initiated administrative separation by reason of misconduct due to a pattern of misconduct and drug abuse. In connection with this processing, you acknowledged that separation could result in an OTH discharge and elected to have your case heard by an administrative discharge board (ADB). On 8 November 1983, an ADB convened and found that you were guilty of misconduct due to a pattern of misconduct and drug abuse, and recommended an OTH discharge. On 8 December 1983, the separation authority approved the discharge recommendation and directed an OTH discharge by reason of misconduct due to a pattern of misconduct. On 15 December 1983, 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 contentions that personal problems and alcohol abuse contributed to your misconduct. Nevertheless, the Board concluded that these factors were not sufficient to warrant recharacterization of your discharge due to the seriousness of your misconduct that continued even after you received substance abuse assistance and were warned that further infractions could result in an OTH discharge. Regarding your contentions, neither personal problems nor alcohol abuse excuses misconduct. The Board also noted that your case was heard by an ADB, which was 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