



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

SMS
Docket No: 7239-08
13 April 2009

[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 8 April 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 9 June 1980, you enlisted in the Marine Corps at age 18 after a prior period of honorable service in the Army National Guard. On 18 January 1982 and 2 March 1983, you had nonjudicial punishment (NJP) for failure to go at the time prescribed to your appointed place of duty, damage of government property, public drunkenness, and drunk and disorderly conduct. On 8 April 1983, you were counseled regarding your unsatisfactory performance and conduct, advised that the command would assist you with alcohol counseling and antabuse, and warned that further infractions could result in administrative separation. On 11 April 1983, you had NJP for a brief instance of unauthorized absence. On 30 April 1983, you were counseled regarding your performance and disciplinary problems and given another discharge warning. On 21 June 1983, you had NJP for disobedience of a lawful order, assault, being incapacitated for the proper performance of your duties due to previous over indulgence of alcohol, and drunk and disorderly conduct. On 12 August 1983, your commanding officer stated that all of your liberty incidents resulted from alcohol abuse and you were placed in an alcohol rehabilitation program, but you ignored the treatment.

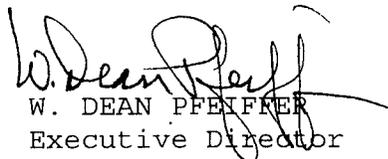
On 26 September 1983, your commanding officer initiated administrative separation by reason of misconduct due to a pattern of

misconduct. In connection with this processing, you acknowledged that separation could result in an other than honorable (OTH) discharge and waived the right to have your case heard by an administrative discharge board (ADB). On 14 October 1983, the separation authority approved the recommendation and directed an OTH discharge by reason of misconduct due to a pattern of misconduct. On 20 October 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, desire for a better discharge, and contention that you were unjustly discharged. Nevertheless, the Board concluded that these factors and contention were not sufficient to warrant recharacterization of your service due to the four NJP's. The Board also noted that you waived the right to have your case heard by an ADB, 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