



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

TJR  
Docket No: 8074-08  
14 July 2009

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, 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 7 July 2009. The names and votes of the members of the panel will be furnished upon request. 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 on 14 February 1989 at age 21. Your record reflects that on 9 February you received counselling due to an alcohol related incident on 26 January 1990 and were subsequently assigned to a Level I rehabilitation program on 1 February 1990. It also reflects that on 30 August 1990 you were again counselled regarding your arrest by civil authorities on 4 August 1990 for driving while intoxicated.

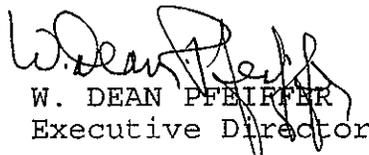
On 1 March 1991 you were assigned to a Level III rehabilitation program due to alcohol dependency. On 5 April 1991 you were assigned to the mandatory aftercare program. On 23 July 1991 you received nonjudicial punishment (NJP) for a one day period of unauthorized absence (UA). During the period from 30 August to 23 December 1991 you received counselling on three occasions for failure of a Level III rehabilitation aftercare program, breaking restriction, consuming alcoholic beverages aboard your ship, and financial responsibilities for nonpayment of \$2,329.

On 8 January 1992 you received NJP for absence from your appointed place of duty. The next day you received counselling for alcohol rehabilitation failure. As a result, on 30 January 1992, you were notified of pending administrative separation action by reason of convenience of the government due to alcohol rehabilitation failure. After consulting with legal counsel, you elected to present your case to an administrative discharge board (ADB). On 6 March 1992 an ADB recommended discharge under honorable conditions by reason of convenience of the government due to alcohol rehabilitation failure. On 2 April 1992 your commanding officer also recommended you be issued a general discharge due to alcohol rehabilitation failure. On 7 May 1992 the discharge authority approved the recommendations for separation and directed your commanding officer to issue you a general discharge by reason of alcohol rehabilitation failure. On 14 May 1992 you were so discharged and assigned an RE-4 reenlistment code.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth, post service conduct, and desire to upgrade your discharge. It also considered your explanation regarding your reasons for your financial problems that were caused by the government and alcohol rehabilitation failure. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge. Further, the Board concluded that your Level I, Level III, and aftercare rehabilitation failures were sufficiently supported by your alcohol related misconduct. Finally, there is no evidence in the record and you submitted none, to support your assertion of financial problems being caused by the government. Accordingly, your application has been denied.

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