



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

TAL
Docket No: 01885-09
7 December 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 24 November 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 21 February 2001 at the age 22. On 22 May 2002, you received nonjudicial punishment (NJP) for disrespectful conduct and violation of an order by wrongfully drinking alcohol. On 14 June 2002, you received NJP for disobeying a lawful written order by drinking alcohol while on restriction. On 26 July 2002, you received NJP for a 15 day period of unauthorized absence (UA). On 9 December 2002, you received NJP for possessing and consuming alcohol in the barracks and for being drunk and incapacitated for duty. On 1 August 2003 you were diagnosed with a personality disorder secondary to alcohol abuse and dependence and enrolled in a Level III alcohol rehabilitation program. You subsequently failed to complete this program. On 12 October 2003, administrative discharge action was initiated by reason of misconduct due to a pattern of misconduct as evidenced by four NJP's and failure to complete the alcohol rehabilitation treatment. You waived your rights to consult counsel, submit a statement or have your case heard by an administrative discharge board (ADB). On 14 October 2003, your commanding officer

forwarded his recommendation that you be discharged under other than honorable (OTH) conditions. On 23 December 2003, the separation authority directed an OTH discharge by reason of misconduct due to a pattern of misconduct.

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 the seriousness of your misconduct and alcohol rehabilitation failure. Finally, the Board noted that you waived the right to an ADB, your best chance for retention or a better characterization of service. 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