



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

TJR  
Docket No: 2229-09  
27 January 2010

[REDACTED]

[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 20 January 2010. 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 Navy on 13 July 1984 at age 19. You served without disciplinary incident until 3 December 1984, when you received nonjudicial punishment (NJP) for wrongfully giving away a liberty card. The punishment imposed was restriction and extra duty for five days.

During the period from 23 February to 6 April 1985 you received NJP for five periods of absence from your appointed place of duty, three periods of failure to go to your appointed place of duty, and dereliction of duty. You were also counselled on several occasions regarding deficiencies in your performance and conduct, specifically, periods of unauthorized absences, drug and alcohol abuse, personal problems, getting sufficient rest to perform your duties, and advancement preparation.

Subsequently, you were notified of pending administrative separation action by reason of misconduct due to a pattern of misconduct and frequent involvement of a discreditable nature with military authorities. At that time you waived your right to

consult with legal counsel and to present your case to an administrative discharge board (ADB). On 10 April 1985 your commanding officer recommended discharge under other than honorable conditions by reason of misconduct due to a pattern of misconduct and frequent involvement of a discreditable nature with military authorities. On 23 April 1985 the discharge authority approved this recommendation and directed your commanding officer to issue you an other than honorable discharge by reason of misconduct, and on 30 April 1985, you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and desire to upgrade your discharge. It also considered your assertion that you became an alcoholic after enlisting in the Navy. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of the seriousness of your repetitive misconduct which resulted in four NJPs and numerous counselling sessions which included your abuse of alcohol. Finally, you were given an opportunity to defend yourself but waived your procedural right to present your case to an ADB. 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