



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

SJN  
Docket No: 04093-09  
11 March 2010

[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 9 March 2010. 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.

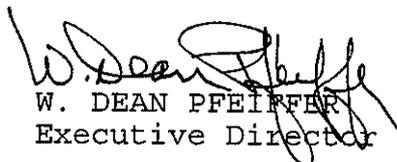
After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You reenlisted in the Navy on 20 November 1981 after three years of honorable service. During the period from 8 October 1982 to 14 August 1984, you received four nonjudicial punishments (NJP's) for disrespectful language, drunk and disorderly conduct, resisting apprehension, communicating a threat, disobedience, and operating a vehicle while intoxicated. On 20 August 1984, you were notified of pending administrative discharge action by reason of misconduct and alcohol rehabilitation failure. However, on 16 November 1984, you were convicted by civil authorities of driving under the influence. On 23 December 1984, the discharge authority directed that you be separated under other than honorable conditions by reason of misconduct due to civil conviction. You were so discharged on 8 February 1985.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your prior honorable service. Nevertheless, the Board found that these factors were not sufficient to warrant any change in your discharge given your four NJP's and civil conviction for a very serious offenses. 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