



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

SJN
Docket No: 04128-09
11 March 2010

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10, 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 enlisted in the Marine Corps and began a period of active duty on 27 December 1983 at age 18. On 23 October 1985, you received nonjudicial punishment (NJP) for unauthorized absence. On 9 December 1985, you were counseled about damaging government property while under the influence of alcohol, and warned that further misconduct could result in administrative discharge action. Based on the information currently contained in your record it appears that you were enrolled in an alcohol rehabilitation program and completed it on 14 March 1986. On 2 June 1986, your base driving privileges were revoked after you were convicted by civilian authorities of driving under the influence of alcohol. On 9 June and 25 September 1986, you received NJP for failure to go to your appointed place of duty, unauthorized absence, and disobedience. On 30 October 1986, administrative discharge action was initiated to separate you by reason of alcohol abuse rehabilitation failure. You waived your rights to consult counsel, submit a statement or have your case

heard by an administrative discharge board (ADB). On 6 November 1986, your commanding officer forwarded his recommendation that you receive a general discharge. You were so discharged on 3 December 1986.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth and record of service. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge given your three NJP's, conviction by civil authorities, and the fact that you were counseled and warned concerning the consequences of further misconduct. 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