



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

TAL  
Docket No: 4571-09  
26 March 2010

[REDACTED]

[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 17 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 Navy and began a period of active duty on 24 July 1989 at age 20. On 16 February, you received nonjudicial punishment (NJP) for assault and drunk and disorderly conduct. You were counseled and warned that further misconduct could result in administrative discharge action. On 31 July 1991, you received NJP for drunk and disorderly conduct. You were again counseled and warned that further misconduct could result in administrative discharge action. On 25 November 1991, you received NJP for destruction of government property and drunk and disorderly conduct. Again, you were counseled and warned that further misconduct could result in administrative discharge action. On 2 December 1991, you were the subject of a medical evaluation that diagnosed you as alcohol dependent. It was recommended you attend the Navy Level III or Level II, alcohol rehabilitation program. On 8 January 1992, you received NJP for unauthorized absence (UA) from your appointed place of duty. On 6 February 1992, you received NJP for drunken operation of a vehicle. On 6 February 1992, you were notified of pending administrative separation action by reason of misconduct due to a pattern of misconduct. After consulting with legal counsel, you

elected to present your case to an administrative discharge board (ADB). On 24 February 1992, you were convicted in civil court of drunk driving in Hanford California Municipal court and sentenced to two days in jail, three years probation, fined \$1,464 and 40 hours of community service. On 31 March 1992, an ADB unanimously found that you had committed misconduct and recommended discharge under other than honorable (OTH) conditions due to a pattern of misconduct. On 14 April 1992, your commanding officer concurred with the ADB and forwarded your case to the discharge authority for review. On 21 May 1992, the separation authority directed an OTH discharge by reason of misconduct due to a pattern of misconduct. On 11 July 1992 you were so discharged.

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 found that these factors were not sufficient to warrant recharacterization of your discharge given the seriousness of your misconduct that resulted in five NJP's, and a civil conviction of which was imposed after you were counseled and warned repeatedly of the consequences of further misconduct. 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