



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

TAL
Docket No: 4685-09
19 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 10 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.

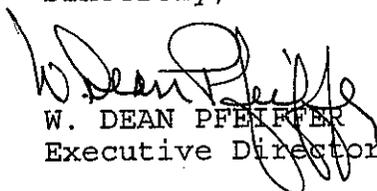
You enlisted in the Navy and began a period of active duty on 29 April 1985 at age 23. On 19 December 1985, you received nonjudicial punishment (NJP) for a four day period of unauthorized absence (UA) from your unit and dereliction of duty. On 13 March 1986, you received NJP for assault and communicating a threat. You were counseled and warned that further misconduct could result in administrative separation. On 27 March 1987, you received NJP for drunk and disorderly conduct. On 1 May 1987, you received NJP for disrespectful language, failure to obey a lawful order, two instances of UA from your unit, wrongful over indulgence in alcohol, and failure to pay just debts. On 8 May 1987, you were the subject of a medical evaluation, which stated in part, that you attended and graduated from a four week Counseling and Assistance Center (CAAC) program but continued to drink. That you are a chronic abuser with numerous alcohol related offenses. It was recommended that you attend Alcoholics Anonymous meetings and be administratively separated. On 21 July 1987, administrative discharge action was initiated by reason of misconduct due to a pattern of misconduct. You waived your rights to consult counsel, submit a statement or have your case heard by

an administrative discharge board (ADB). On 21 July 1987, your commanding officer forwarded his recommendation that you be discharged under other than honorable (OTH) conditions. On 4 August 1987, the discharge authority directed an OTH discharge by reason of misconduct due to a pattern of misconduct. On 14 August 1987, 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 four NJP's, two of which was imposed after you were counseled and warned of the consequences of further misconduct. Additionally, no discharge is upgraded merely because of the passage of time. Finally, the Board noted that you waived the right to an ADB, your best opportunity 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 PFENNER
Executive Director