



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

TJR  
Docket No: 4730-09  
13 April 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 13 April 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 27 September 1990 at age 19 and began a period of active duty on 28 November 1990. You served for five months without disciplinary incident, but on 2 and 15 May 1991, you received nonjudicial punishment (NJP) for a 23 day period of unauthorized absence (UA), failure to obey a lawful order, and making a false official statement. Shortly thereafter, you were diagnosed with alcohol dependency and recommended for Level III rehabilitation. Although you completed the initial part of Level III rehabilitation, you declined the medicinal maintenance portion of the aftercare program. As a result of this action, you failed the alcohol abuse rehabilitation program.

Subsequently, you were notified of pending administrative separation action by reason of misconduct due to commission of a serious offense and alcohol abuse rehabilitation failure. At that time you waived your right to consult with legal counsel and

to present your case to an administrative discharge board (ADB). The discharge authority directed your commanding officer to issue you an other than honorable discharge by reason of misconduct, and on 12 September 1991 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 were misdiagnosed as an alcoholic and a poly-drug abuser. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of the seriousness of your misconduct which resulted in two NJPs and included alcohol rehabilitation failure. 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