



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

TJR
Docket No: 7353-09
23 July 2009

[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 21 July 2009. 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 January 1984 at age 27 and began a period of active duty on 5 March 1984. Your record reflects that on 20 January 1989 you were hospitalized for a seizure or alcohol related incident after passing out without any warning. You were diagnosed with a single seizure and alcohol dependency.

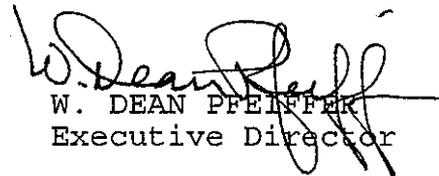
You served without disciplinary infraction until 20 November 1989, when you were received nonjudicial punishment (NJP) for two periods of absence from your appointed place of duty and being incapacitated for duty due to overindulgence in alcohol. Seven months later, on 13 June 1990, you received NJP for disobedience as evidenced by reporting to duty while under the influence of alcohol. On 13 December 1990 you were convicted by special court-martial (SPCM) of six periods of unauthorized absence (UA) totalling 45 days and breaking restriction.

On 31 January 1991 you began another period of UA that was not terminated until you were apprehended by civil authorities on 3 February 1991 and charged with grand larceny. You were held by civil authorities until 10 May 1991 when you were returned to military custody. On 27 August 1991 you were convicted by SPCM of four periods of UA totalling 109 days. You were sentenced to confinement for 30 days, reduction to paygrade E-1, and a bad conduct discharge (BCD). Subsequently, the BCD was approved at all levels of review and on 14 April 1993, while on appellate leave, you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your period of satisfactory service and desire to upgrade your discharge so that you may obtain benefits. It also considered your assertion that you served honorably until discharged for an untreated mental problem. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your BCD because of the seriousness of your repetitive alcohol related misconduct. Further, there is documented evidence in the record that is contrary to your assertion. 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