



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

TJR
Docket No: 9595-09
22 July 2010

[REDACTED]

Dear [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 20 July 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 May 1992 at age 22 and served without disciplinary incident until 22 October 1992, when you received nonjudicial punishment (NJP) for drinking on duty and being incapacitated for duty due to drunkenness.

Your record contains an administrative remarks entry dated 25 February 1993 which reflects that you were counselled regarding your drinking while in a duty status and being incapacitated for duty. About two months later, on 29 April 1993, you received NJP for absence from your appointed place of duty and drunkenness. Subsequently, you were placed on legal hold pending an administrative discharge. However, on 13 July 1993, you self-referred for a medical and/or psychiatric evaluation due to your alcohol abuse. You were diagnosed with alcohol dependence and abuse, which existed prior to your enlistment, and a personality

disorder. On 10 August 1993, upon completion of your rehabilitation, you were strongly recommended for an administrative separation due to the diagnosed personality disorder which rendered you a potential danger to yourself and others.

On 8 November 1993 you were notified of pending administrative separation action by reason of misconduct due to commission of a serious offense and convenience of the government due to the diagnosed personality disorder. After waiving your procedural rights to legal counsel and an administrative discharge board (ADB), your commanding officer recommended discharge under other than honorable conditions by reason of misconduct due to commission of a serious offense. The discharge authority approved this recommendation and directed separation under other than honorable conditions by reason of misconduct, and on 28 January 1994 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, desire to upgrade your discharge, and assertion that you were not offered alcohol rehabilitation in a timely manner, and as such, you got into trouble and were "kicked" out of the Navy. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of the seriousness of your repetitive misconduct which resulted in two NJPs. Further, you were given an opportunity to defend your actions, but waived your procedural right to present your case to an ADB. Finally, there is no evidence in the record, and you submitted none, to support 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