



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

TJR
Docket No: 281-10
1 October 2010

[REDACTED]

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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 September 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 7 May 1990 at age 17 and began a period of active duty on 17 September 1990. You served without disciplinary incident until 15 July 1993, when you received nonjudicial punishment (NJP) for two periods of absence from your appointed place of duty and failure to go to your appointed place of duty. Shortly thereafter, on 8 September 1993 you began participation in an aftercare program upon completion of a Level II alcohol abuse rehabilitation program. However, on 18 December 1993, you were convicted by civil authorities of driving under the influence (DUI). You were sentenced to a \$485.50 fine, probation for six months, community service for 50 hours, and mandatory DUI education.

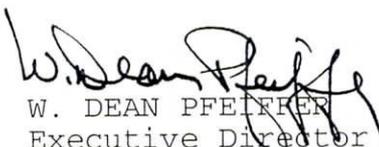
On 8 February 1994 you received NJP for absence from your appointed place of duty and a one day period of unauthorized absence (UA). On 14 February 1994 you were evaluated for further alcohol rehabilitation due to your continued alcohol abuse. The evaluation made note of your DUI charges in 1989 and 1993, and your periods of UA in April 1993 due to alcohol abuse. As a

result of the foregoing, on 18 February 1994, you were notified of pending administrative separation action by reason of misconduct due to civil conviction and alcohol abuse rehabilitation failure. Although you waived your procedural rights, you submitted a written request for discharge under honorable conditions. On 28 February 1994 your commanding officer recommended discharge under other than honorable conditions by reason of misconduct due to civil conviction and alcohol abuse rehabilitation failure. Subsequently, the discharge authority directed your commanding officer to issue you an other than honorable discharge by reason of misconduct due to civil conviction. As a result of this action, on 25 March 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, post service conduct, and desire to upgrade your discharge. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of the seriousness of your alcohol related misconduct in both the military and civilian communities and your failure of a rehabilitation program. Further, you were given an opportunity to defend yourself but waived your procedural right and did not object to the separation. 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