



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

TJR
Docket No: 1573-10
12 November 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 9 November 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 Marine Corps on 8 July 1981 at age 24 and served for about three months without disciplinary incident. However, during the period from 29 October 1981 to 16 March 1982, you received nonjudicial punishment (NJP) on three occasions for disobedience, assault, disrespect, breaking restriction, and a four day period of unauthorized absence (UA).

During the period from 17 August to 9 November 1983 you received NJP on three more occasions for two periods of failure to go to your appointed place of duty, overindulgence in alcoholic beverages/intoxication, two specifications of being incapacitated for duty due to intoxication, and dereliction of duty. Shortly thereafter, you were processed for an administrative separation by reason of misconduct due to minor disciplinary infractions. As a result of this action, the discharge authority directed your commanding officer to issue you an other than honorable discharge by reason of misconduct, and on 30 December 1983, 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 your alcohol abuse was the result of a bombing incident that occurred in Beirut, Lebanon, on 23 October 1983. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of your repetitive misconduct which resulted in six NJPs. Finally, the Board noted that alcohol abuse is not an excuse for misconduct and you were responsible for your actions. 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