



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

TJR
Docket No: 2173-10
14 January 2011



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 11 January 2011. 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 and began a period of active duty on 1 August 1989 at age 26. You served for a year and three months without disciplinary incident, but on 16 November 1990, you received nonjudicial punishment (NJP) for absence from your appointed place of duty, drinking on duty, and contributing alcoholic beverages to a minor.

On 22 August 1991 you received NJP for disobedience and two specifications of being drunk on duty. Shortly thereafter, on 1 November 1991, you were convicted by civil authorities of making a false report to the police. You were sentenced to pay a \$1,000 restitution fee, \$100 fine, \$24 in court costs, and confinement for 30 days. The confinement was suspended for two years.

On 10 January 1992 you began participating in a Level III alcohol rehabilitation program. However, on 5 March 1992, due to your inappropriate behavior and unwillingness to continue with the treatment, you failed the alcohol rehabilitation program.

On 9 April 1992 you received NJP for absence from your appointed

place of duty, a one day period of unauthorized absence (UA), and two specifications of disobedience. Shortly thereafter, on 13 April 1992, you were notified of pending administrative separation action by reason of misconduct due to a pattern of misconduct, commission of a serious offense, and alcohol rehabilitation failure. After consulting with legal counsel you elected your right to present your case to an administrative discharge board (ADB). On 6 May 1992 an ADB recommended discharge under other than honorable conditions by reason of misconduct due to a pattern of misconduct, commission of a serious offense, and alcohol rehabilitation failure. On 21 May 1992 your commanding officer also recommended discharge under other than honorable conditions by reason of misconduct due to a pattern of misconduct. Subsequently, the discharge authority approved these recommendations and directed separation under other than honorable conditions by reason of misconduct, and on 23 June 1992 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. It also considered the character reference letter provided in support of your case. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of the seriousness of your repetitive misconduct in both the military and civilian communities. Finally, no discharge is automatically upgraded due solely to an individual's good post service conduct. 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