



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

BJG  
Docket No: 5521-10  
2 February 2011

[REDACTED]

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the 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 1 February 2011. 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 that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

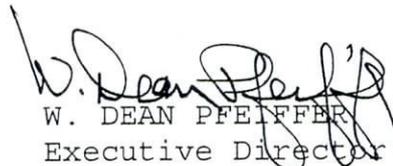
You reenlisted in the Marine Corps on 29 February 1992 after more than seven years of service. During your prior enlistment, you were convicted in civil court in the Eastern District of Virginia of reckless driving and refusal to submit to a breathalyzer. During your last enlistment, you were convicted in civil court in Stafford, Virginia, of driving while intoxicated (DWI), and in Prince William County, Virginia, of DWI. On 18 August 1992, you were convicted of violating your probation from your first two offenses, and

sentenced to 60 days in jail. You were then notified that your commanding officer was recommending you for administrative separation with an under conditions other than honorable (OTH) discharge due to misconduct (civilian conviction). You waived all of your procedural rights, including your right to an administrative discharge board (ADB). On 16 November 1992, you refused alcohol rehabilitation. On 18 December 1992, you received an under conditions OTH discharge due to misconduct (civilian conviction), and were assigned an RE-4 (not recommended for retention) reentry code.

In its review of your application, the Board carefully weighed all potentially mitigating factors, such as your prior honorable service and belief that you only had one DWI. The Board concluded, however, that your discharge should not be upgraded due to your numerous acts of alcohol-related misconduct. You are advised that no discharge is upgraded due merely to the passage of time or post service good conduct. The Board found that you waived your right to an ADB, your best opportunity for retention or a better characterization of service. In view of the above, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

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