



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

TAL  
Docket No: 5757-10  
18 February 2011



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 16 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 the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted on in the Navy and began a period of active duty on 19 November 1985 at age 20. You received nonjudicial punishment (NJP) on four occasions for two instances of unauthorized absence (UA) from your appointed place of duty, drunk on duty, drunk and disorderly conduct, and being incapacitated for the performance of duties. On 24 April 1987 you were admitted to the Alcohol Rehabilitation Service/Substance Abuse Department, Naval Hospital, Millington, Tennessee, and received a diagnosis of alcohol dependence. It was stated in part that, due to your repeated attempts at manipulation, blatant lying, refusal to follow the rules, and refusal to get involved with the treatment program, led to your early discharge from treatment with a very poor prognosis for ongoing sobriety. On 11 May 1987, you were returned to your command as a Level III Alcohol Rehabilitation failure. After your first and second NJP, you were counseled regarding your misconduct and warned that further offenses could result in administrative separation. You were notified of pending administrative separation action by reason of misconduct due to a pattern of misconduct. You waived your rights to consult counsel, submit a statement or have your case heard by an

administrative discharge board (ADB). Your commanding officer forwarded his recommendation that you be discharged under other than honorable (OTH) conditions by reason of misconduct. The separation authority directed an OTH discharge by reason of misconduct due to a pattern of misconduct and alcohol abuse. On 5 June 1987 you were so discharged.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth and overall record of service. Nevertheless, the Board found that these factors were not sufficient to warrant recharacterization of your discharge given the seriousness of your misconduct that resulted in four NJPs. The Board noted that you waived the right to an ADB, your best opportunity for retention or a better characterization of service. Finally, the Board also noted on 5 June 1987 you were offered the right to request in-patient alcohol rehabilitation treatment from the Veterans Administration Hospital nearest your home, but signed a waiver refusing treatment. Accordingly, 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