



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

TAL
Docket No: 7353-10
29 March 2011

[REDACTED]

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 23 March 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 in the Marine Corps and began a period of active duty on 10 May 1988 at age 22. On 21 May 1989, you were counseled for an alcohol-related incident on Kadena Airbase, Japan, for a driving while under the influence of alcohol and disorderly conduct. On 6 June 1989, you received nonjudicial punishment (NJP) for disobeying a lawful regulation by drinking alcoholic beverages and driving. On 15 August 1991, the Command Substance Abuse Counseling Center (CSACC) diagnosed you as alcohol dependent. On 20 August 1991, you were convicted by civil court of a hit and run vehicle accident and sentenced to a \$1000 fine, 180 day jail confinement and to have your driver's license suspended for six months. The confinement was reduced to 60 days and the fine was reduced to \$500. On 10 October 1991, you received NJP for failure to go to your appointed place of duty. On 24 Oct 1991 you entered Level III Alcohol Rehabilitation Treatment. On 27 November 1991, you were dismissed from Level III as a rehabilitation failure. On 15 August 1991, you were notified of pending administrative

discharge processing with a general discharge due to alcohol rehabilitation failure. You waived your procedural rights, including your right to an administrative discharge board (ADB). On 17 March 1992, you received the general discharge for alcohol rehabilitation failure.

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 your two NJPs, civil conviction and failure to complete your command's alcohol rehabilitation program. The Board noted that you waived your right to an ADB, your best opportunity for retention or a better characterization of service. Finally, the Board found that you were fortunate to receive a general discharge, since a characterization under other than honorable condition is often directed for misconduct such as yours. 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