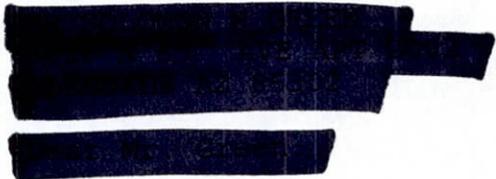




DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

TAL
Docket No: 8486-10
15 April 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 13 April 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 Navy and began a period of active duty on 12 November 2002 at age 22. You received nonjudicial punishment (NJP) on two occasions for four instances of unauthorized absence (UA) from your appointed place of duty. After your first NJP, you were counseled regarding your misconduct and warned that further offenses could result in administrative separation. On 21 February 2005, you were diagnosed as alcohol dependent. You were required to complete the American Society Addictions Medicine (ASAM) Level II, intensive outpatient treatment for alcohol dependency and Level I after care requirements. On 19 January 2006, you received NJP for destruction of property and drunk and disorderly conduct. You were notified of pending administrative separation action by reason of misconduct due to a pattern of misconduct. You waived your right to consult counsel. Your commanding officer directed that you be discharged with a general characterization of service by reason of misconduct (pattern of misconduct). On 5 April 2006 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 three NJPs and alcohol abuse. Finally, the Board also believed that you were fortunate to receive a general discharge since a discharge under other than honorable conditions is often directed when a Sailor is separated for misconduct. 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