



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

TJR
Docket No: 11360-10
11 August 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 9 August 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 on 13 October 1989 at age 17 and began of period of active duty on 4 September 1990. About five months later you were medically evaluated due to alcohol-related infractions. In June 1991 you were the subject of an investigation for further alcohol-related misconduct, specifically, assault, destruction of personal property, disrespect, and failure to obey a lawful order. As a result, on 3 July 1991, you received nonjudicial punishment (NJP) for drunk and disorderly conduct, assault, resisting arrest, and damage to personal property. You were counselled and warned that further misconduct would result in an administrative separation.

On 26 July and again on 10 September 1991 you underwent medical evaluations after experiencing symptoms of alcohol withdrawal and expressing suicidal ideation of jumping off a pier or hanging yourself. You were diagnosed with alcohol dependency and intoxication, and a social disorder. You were recommended for Level III rehabilitation, if retained in the Navy. On 12 September 1991 you received NJP for three specifications of assault, resisting arrest, three specifications of drunk and disorderly conduct, and communicating a threat.

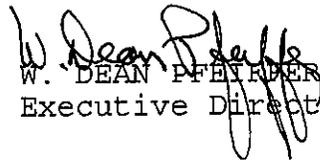
Shortly thereafter, on 17 September 1991, you were notified of pending administrative separation action by reason of misconduct due to a pattern of misconduct and commission of a serious offense. After consulting with legal counsel you elected to present your case to an administrative discharge board (ADB). On 29 October 1991 an ADB recommended an other than honorable discharge by reason of misconduct due to a pattern of misconduct and commission of a serious offense. On 30 November 1991 your commanding officer, in concurrence with the ADB, also recommended an other than honorable discharge by reason of misconduct due to a pattern of misconduct. On 19 December 1991 the discharge authority approved these recommendations, and on 2 January 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 and desire to upgrade your discharge for medical purposes. It also considered your disability rating for chronic fatigue syndrome. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of the seriousness of your repetitive misconduct which resulted in two NJPs and repeated counselling. Finally, applicable directives state, in part, that even if a Sailor is processed for separation by reason of a medical condition, such as alcoholism, as is reflected in your record, if the Sailor meets the requirements of another reason for separation, such as misconduct, the Sailor will be separated for the latter reason. 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