



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

TJR  
Docket No: 396-11  
21 October 2011

[REDACTED]

[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 18 October 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 reenlisted in the Navy on 16 March 1990 after nearly four years of prior honorable service. You continued to serve without disciplinary incident until 26 August 1993, when you received nonjudicial punishment (NJP) for insubordination, drunken driving, and assault. The following day, you were offered, but refused, participation in a Level III alcohol rehabilitation program. On 27 September 1993 you were notified of pending administrative separation by reason of misconduct due to commission of a serious offense and alcohol rehabilitation failure.

In December 1993 you were again the subject of an alcohol related incident, specifically, driving under the influence with a .30 blood alcohol content. As a result, you were processed for an administrative separation by reason of misconduct due to commission of a serious offense as evidenced by NJP and alcohol rehabilitation failure as evidenced by refusal to participate in treatment. After waiving your procedural right to consult with legal counsel and to present your case to an administrative

discharge board (ADB), on 13 December 1993, your commanding officer recommended discharge under other than honorable conditions by reason of alcohol rehabilitation failure and misconduct due to pending disciplinary action for charges of drunk and disorderly conduct while in a duty status, unauthorized absence, disrespect, two specifications of insubordination, failure to obey a lawful order, using provoking speech, three specifications of assault, and an unspecified offense. The discharge authority approved this recommendation and directed your commanding officer to issue you an other than honorable discharge by reason of misconduct, and on 7 January 1994, you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your prior satisfactory service and desire to upgrade your discharge. It also considered your assertion that because of your family history of mental illness, you were not fit for duty. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of the seriousness of your alcohol related misconduct. Further, you were given an opportunity to defend yourself, but waived your procedural right to present your case to an ADB. 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