



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
701 S. COURTHOUSE ROAD, SUITE 1001  
ARLINGTON, VA 22204-2490

BJG  
Docket No: 431-12  
17 October 2012

[REDACTED]

[REDACTED]

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 10 October 2012. 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 that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Navy and entered active duty on 17 August 1994. You received nonjudicial punishment (NJP) and were convicted by civil authorities. Your offenses included driving under the influence (DUI) of alcohol, assault, and drunk and disorderly conduct. After your guilty plea to DUI in civil court, you were sent to Level III (in patient) alcohol rehabilitation. After your second alcohol related incident, you then processed for administrative separation with a type warranted by service record characterization due to alcohol

rehabilitation failure. On 19 December 1995, you were discharged from active duty with a general characterization of service due to alcohol rehabilitation failure and not recommended for reenlistment.

In its review of your application, the Board carefully weighed all potentially mitigating factors, such as your youth and current desire to upgrade your discharge. However, the Board concluded that your discharge should not be changed due to your NJP and alcohol rehabilitation failure. You are advised that no discharge is automatically upgraded due merely to the passage of time or post service good conduct. The Board believed you were fortunate to receive a general characterization of service, because Sailors who have committed misconduct such as yours normally receive other than honorable discharges. In view of the above, 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,



ROBERT D. ZSALMAN  
Acting Executive Director