



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

TJR
Docket No: 4105-12
14 March 2013

[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 12 March 2013. 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 and immediately began a period of active duty on 22 April 1987. You served without disciplinary incident until 23 November 1987, when you received nonjudicial punishment (NJP) for absence from your appointed place of duty.

During the period from 29 September to 9 December 1988, you received NJP on two more occasions for failure to go to your appointed place of duty, absence from your appointed place of duty, drunken and/or reckless driving, and two specifications of being drunk on duty. Also during this period, you were found drunk and unfit for duty, diagnosed with alcohol dependency, and recommended for and failed to successfully complete an alcohol rehabilitation program.

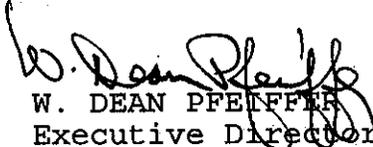
Subsequently, you were processed for an administrative separation by reason of misconduct due to commission of a serious offense and alcohol rehabilitation failure. After waiving your procedural right to consult with legal counsel and to present your case to an administrative discharge board (ADB), on 3

January 1989, your commanding officer recommended discharge under other than honorable conditions by reason of misconduct due to commission of a serious offense and alcohol rehabilitation failure. On 3 February 1989 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 15 February 1989, you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your desire to upgrade your discharge and assertion that because you served honorably, you should not have received an other than honorable discharge. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of the seriousness of your repetitive misconduct which included alcohol abuse and resulted in three NJPs. Further, you were given an opportunity to defend yourself, but waived your procedural right to present your case to an ADB. Finally, there is evidence in the record that is contrary to your assertion of serving honorably. 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