



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

TJR
Docket No: 4142-12
14 March 2013

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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 Marine Corps on 21 June 1983 and immediately began a period of active duty. You served without disciplinary incident for about eight months. However, during the period from 27 February to 7 September 1984 you received nonjudicial punishment (NJP) on four occasions for disorderly conduct, three specifications of failure to obey a lawful order, disobedience, unbecoming conduct, and breaking restriction.

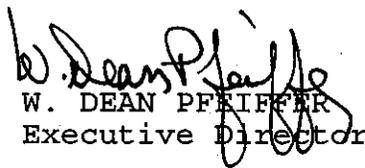
Your record contains an administrative remarks (page 13) entry which states that on 9 January 1985 you were to participate in a Level III Alcohol Rehabilitation Program. On 18 March 1985 you were convicted by civil authorities of driving under the influence of alcohol. As a result of this action, you were dismissed, as a rehabilitation failure, from the Level III Alcohol Rehabilitation Program. On 9 May 1985 you received your fifth NJP for driving with a revoked license, drunk and disorderly conduct, failure to surrender your identification card, and disrespect.

Subsequently, in June 1985, you were processed for an administrative separation by reason of misconduct due to a pattern of misconduct. After waiving your procedural rights, on 9 August 1985, your commanding officer recommended discharge under other than honorable conditions by reason of misconduct due to a pattern of misconduct. On 20 August 1985 the discharge authority approved this recommendation and directed separation under other than honorable conditions by reason of misconduct, and on 22 August 1985, 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 your discharge should have been based on your failure to complete an alcohol rehabilitation program, not misconduct. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your other than honorable discharge because of the seriousness of your repetitive misconduct which resulted in five NJPs, alcohol rehabilitation failure, and alcohol related misconduct in both the military and civilian communities. Finally, applicable regulations state, in part, that even if a Marine is considered for separation and/or processed for separation by reason of a medical, mental, or other administrative reason, if the Marine meets the requirements of another reason, such as misconduct, the Marine will be separated for the latter reason, as such in your case. 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 PFIEFFER
Executive Director