



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

SJN
Docket No: 06880-12
22 May 2013

[REDACTED]

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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 21 May 2013. 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 began a period of active duty on 7 September 1983. The Board found that on 12 September 1983, you were briefed on the Navy's policy on drug and alcohol abuse. On 19 and 20 January 1988, you were counseled regarding driving under the influence of alcohol and failure to pay just debts. You were warned that further misconduct could result in administrative discharge action. On 4 February 1988, you received nonjudicial punishment (NJP) for disobedience and making a false official statement. On 26 May 1988, you completed a Level III Alcohol Rehabilitation Program for dependence. You were warned that any further involvement in a subsequent alcohol-related incident, or failure to satisfactorily complete any aspect of aftercare treatment would be grounds for administrative discharge action. On 29 January 1990, you received NJP for two days of unauthorized absence. On 16 August 1991, you received a third NJP for drunk or reckless driving. You received restriction, extra duty, a forfeiture of pay, and a reduction to paygrade E-5. Subsequently, administrative discharge action was initiated by reason of misconduct due to commission of a serious offense. You waived your rights to consult counsel, submit a

statement or have your case heard by an administrative discharge board (ADB). Your case was forwarded recommending that you be discharged under other than honorable (OTH) conditions by reason of misconduct. The discharge authority concurred and directed an OTH discharge by reason of misconduct due to commission of a serious offense. You were so discharged on 23 September 1991.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your record of service and desire to upgrade your character of service. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge given your three NJP's for very serious offenses and failure to adhere to your command's alcohol rehabilitation program. Finally, the Board noted that you waived the right to an ADB, your best chance for retention or a better characterization of service. Accordingly, 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,


W. DEAN PFEIFFER
Executive Director