



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

SJN
Docket No: 02433-13
26 February 2014

[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 25 February 2014. 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 27 September 1983. The Board found that on 29 September 1983, you were briefed on the Navy's policy regarding drug and alcohol abuse. During the period from 16 October 1986 to 6 March 1987, you received three nonjudicial punishments (NJP's) for assault, assault with a deadly weapon, communicating a threat, drunk and disorderly conduct, driving under the influence of alcohol, and missing three restricted musters. Subsequently, administrative discharge action was initiated by reason of misconduct due to a pattern of misconduct. You waived your rights to consult counsel, submit a statement or have your case heard by an administrative discharge board (ADB). On 3 April 1987, your case was forwarded recommending that you be discharged under other than honorable (OTH) conditions by reason of misconduct. On 21 April 1987, medical personnel found that you were dependent on alcohol and recommended that you be transferred to a rehabilitation center for treatment prior to your separation. On 5 May 1987, the separation authority directed an OTH discharge by

reason of misconduct due to a pattern of misconduct. On 7 May 1987, you elected to receive alcohol rehabilitation treatment prior to being discharged. You were discharged with an OTH characterization of service on 30 July 1987.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your record of service, post service accomplishments, character letters and desire to change your discharge. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge given your three NJP's, two of which were after you were warned of the consequences of further misconduct, and the fact that you were briefed on the Navy's policy regarding drug and alcohol abuse. The Board also 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,



ROBERT D. ZSALMAN
Acting Executive Director