



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

TAL
Docket No: 4915-14
11 May 2015

[REDACTED]

Dear [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.

Although your application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider your application on its merits. A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 6 May 2015. 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 and began a period of active duty on 3 April 1985. You served for six months without disciplinary incident, but during the period from 19 November 1985 to 16 April 1986, you received nonjudicial punishment (NJP) on three occasions. Your offenses were sleeping on post, drunk and disorderly conduct, breaking restriction, incapacitation for the performance of duties and destruction of government property.

On 16 May 1986, you were admitted to the Alcohol Rehabilitation Service Department, Navy Hospital, Millington, TN, due your diagnosed alcohol dependency. You failed to complete the treatment program, due to your failure to observe ward policies and procedures. On 3 June 1986, you were discharged from inpatient treatment. On 18 July 1986, you were again admitted for alcohol rehabilitation treatment. On 29 August 1986, you completed the alcohol treatment program. You were discharged

your command and given an aftercare management program. On 10 December 1986, you received NJP, for unauthorized absence from your unit for a period of six days and failure to obey a written regulation.

Subsequently, you were notified of pending administrative separation by reason of misconduct due to a pattern of misconduct at which time you waived your procedural rights to consult with legal counsel and to present your case to an administrative discharge board (ADB). Your commanding officer recommended discharge under other than honorable conditions by reason of misconduct due to a pattern of misconduct. The discharge authority approved this recommendation and directed separation under other than honorable conditions by reason of misconduct, and on 31 December 1986, 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 allowances should be made for your diagnosed alcohol dependence. Nevertheless, the Board found that these factors were not sufficient to warrant recharacterization of your discharge given the seriousness of your repeated misconduct. The Board noted that you waived the right to an ADB, your best opportunity for retention or a better characterization of service. Regarding your assertion, alcohol abuse may be a mitigating factor for misconduct; however, the Board felt your multiple incidents of misconduct prior to alcohol rehabilitation treatment combined with your subsequent NJP after treatment justified your characterization of service. 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 within one year from the date of the Board's decision. New evidence is evidence not previously considered by the Board prior to making its decision in your case. 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 J. O'NEILL
Executive Director