



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

[REDACTED]
Docket No. 6630-16

NOV 28 2017

[REDACTED]
Dea [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 28 August 2017. 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, relevant portions of your naval record and applicable statutes, regulations and policies.

You enlisted in the Navy and began a period of active duty on 9 December 1992. On 15 June 1993, you received nonjudicial punishment (NJP) for wrongful consumption of alcohol by a minor. On 12 April 1994, you received an NJP for two specifications of unauthorized absence (UA) totaling 16 days. Your command afforded you the opportunity to attend Alcohol Abuse Level Two Counseling and Assistance Center but you were dropped from the program due to your failure to appear for your social assessment appointment. On 30 March 1995, you were found guilty in civilian court for driving under the influence (DUI). On 15 July 1995, you received an NJP for drunken driving. On 1 December 1995, you received a fourth NJP for a one day UA and willfully disobeying a superior petty officer. As a result of the foregoing, an administrative discharge board (ADB) was held. The ADB unanimously found that you committed misconduct due to your civilian conviction for DUI and recommended that you be discharged with an Other Than Honorable (OTH) characterization of service. Thereafter, the separation authority directed an OTH discharge due to misconduct. On 28 March 1996, you were discharged with an OTH characterization of service.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board, in its review of your record, and application with supporting documentation, carefully weighed all potentially mitigating factors, such as your desire to upgrade your character of service and your contention that you were not offered alcohol rehabilitation treatment. However, your service record reflects that you were offered treatment and was dropped from the program on 6 February 1995, because you failed to appear for the social assessment appointment. The Board concluded there was no error or injustice in your record. Accordingly, your application has been denied.

It is regretted that the circumstances of your case are such that favorable action cannot be taken at this time. You are entitled to have the Board reconsider its decision upon the submission of new and material evidence. New evidence is evidence 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,



Executive Director