



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

[REDACTED]
Docket No: 7306-16
OCT 10 2017

[REDACTED]
Dear [REDACTED]

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.

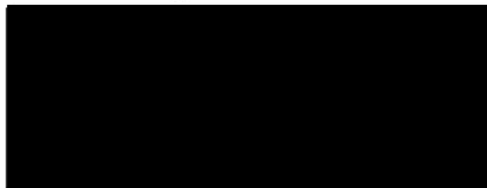
Although your application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider your application on its merits. A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 19 July 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 Marine Corps and began a period of active duty on 5 November 1991. You served for nearly a year without disciplinary incident, but on 4 November 1992, you received nonjudicial punishment (NJP), for failure to obey a lawful order from a noncommissioned officer. On 26 November you were admitted to [REDACTED] Army Medical Center with a blood alcohol content (BAC) of .465%. You were medically diagnosed as alcohol dependent, but denied any problem. On 9 December 1992 you received NJP, for underage drinking. You were counseled regarding your misconduct and warned that further offenses could result in administrative separation. On 16 March 1993, the Substance Abuse Counselor recommended you should attend formal alcohol rehabilitation. You refused to attend. Subsequently, you were notified of pending administrative separation by reason of alcohol rehabilitation failure, at which time you waived your procedural rights to consult with legal counsel and to present your case to an administrative discharge board. Your commanding officer recommended discharge under honorable conditions by reason of alcohol rehabilitation failure. The discharge authority approved this recommendation and directed separation under honorable conditions by reason of alcohol rehabilitation failure, and on 12 May 1993, you were discharged.

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. The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors and your contention that you completed 2 ½ years in the delayed entry program, where you attended the annual festivities of the Marines, participated in the promotion of well-being, and attended classes and meetings to achieve entry into the Marine Corps. The Board found that these factors were not sufficient to warrant relief in your case because of your misconduct which resulted in two NJPs and refusal to attend the alcohol rehabilitation program. Navy regulation states personnel that are considered to be treatment failures shall be processed for administrative separation. Further, you were given an opportunity to defend your actions, but waived your procedural rights. In regard to your contention it is a fundamental tenet of military administrative law that a Marine's service is characterized based on his record in the current enlistment, participation in the delayed entry process is not a basis for characterization during active duty enlistment. 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