



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

[REDACTED]
Docket No: 7376-16
NOV 20 2017

[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 11 September 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.

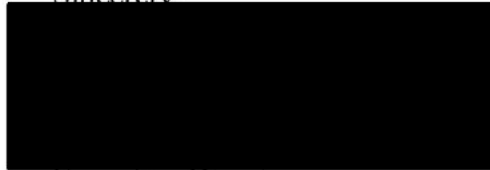
You enlisted in the Navy and began a period of active duty on 2 August 1979. During the period from 9 July 1980 to 11 September 1982, you received five nonjudicial punishments (NJPs) for three specifications of unauthorized absence (UA) totaling seven days, disobedience, four specifications of assault, disrespect and breaking restriction. On 31 January 1983, you were convicted by special court-martial (SPCM) of unlawfully striking a Petty Officer, drunk and disorderly conduct, and failure to go to restricted muster. You were sentenced to confinement at hard labor, a forfeiture of pay, a reduction in paygrade and a bad conduct discharge (BCD). You received a BCD on 19 December 1990.

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 carefully weighed all potentially mitigating factors, such as your overall record of service, you began to drink after you enlisted in the Navy, that became uncontrollable which cause you to fail in your duties, and contention you never received any treatment while in the service. The Board found that these factors were not sufficient to warrant recharacterization of your discharge given your misconduct which resulted in your five NJP's and conviction by SPCM for very serious offenses. Regarding your contention that you were not offered any

treatment, the Board found that your record shows that on 26 April 1982, you were diagnosed as alcohol dependent, but refused treatment. 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 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

A large black rectangular redaction box covering the signature of the Executive Director.

Executive Director