



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

CRS
Docket No: 3812-01
8 April 2002

[REDACTED]

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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.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 3 April 2002. 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 that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Navy on 3 August 1981 at age 22. The record reflects that you received two nonjudicial punishments. The offenses included unauthorized absences totalling three days. Subsequently, on 23 September 1983 you were convicted by civil authorities of indecent exposure. The court sentenced you to three years probation. On 27 October 1983 you received a third nonjudicial punishment for smoking in the paint locker. On 2 January 1984 you were again convicted by civil authorities of driving while intoxicated. The court sentenced you to a fine and confinement. Subsequently, you received two more nonjudicial punishments. The offenses included an unauthorized absence of a day, missing movement, absence from your appointed place of duty, and abandonment of watch.

On 21 March 1984 the commanding officer recommended that you be separated with an other than honorable discharge by reason of misconduct due to a pattern of misconduct. When informed of the recommendation, you elected to waive the right to present your case to an administrative discharge board. On 24 May 1984 you

entered alcohol rehabilitation where you also received another recommendation for separation based on your failure to complete the program. After review by the discharge authority, the commanding officer's recommendation for separation was approved and you were discharged on 16 July 1984 with an other than honorable discharge.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth and immaturity and the contention that alcohol abuse caused your misconduct. However, the Board concluded that these factors were sufficient to warrant recharacterization of your discharge, given your record of frequent involvement with civil and military authorities. In this regard, the Board noted that you were the subject of five disciplinary actions and two civil convictions within a period of less than three years. Further, alcohol abuse does not excuse misconduct, and it does not appear that your disciplinary actions were caused by such abuse. In fact, you stated at the time of separation processing that factors other than alcohol abuse caused your misconduct. 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,

W. DEAN PFEIFFER
Executive Director