



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

TRG  
Docket No: 5446-01  
31 October 2001



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.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 30 October 2001. 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.

You reenlisted in the Navy on 19 September 1974 at age 27 with more than three years of active service on a prior enlistment. The record shows that during 1975 you received nonjudicial punishment on two occasions for two periods of unauthorized absence totaling about 84 days. On 3 August 1978 you began a period of unauthorized absence which lasted until you were apprehended on 17 June 1981, a period of more than one thousand days.

Based on your prolonged period of unauthorized absence, you were processed for an administrative discharge. In connection with this processing, you elected to waive the right to have your case heard by an administrative discharge board. Subsequently, the discharge authority approved the recommendation of your commanding officer that you be discharged for misconduct with a discharge under other than honorable conditions. You were so discharged on 18 September 1981.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your prior honorable service and contention, in effect, that addiction to drugs and

alcohol led to your misconduct in your second enlistment. You state that you have been sober and drug free for over 15 years, and have been a good citizen. The Board found that these factors and contentions were not sufficient to warrant recharacterization of your discharge given the lengthy period of unauthorized absence. There is no evidence in the record, and you have submitted none, to show that your misconduct was caused by your addiction to drugs and alcohol. However, the Board is aware that regulations state that disciplinary action is appropriate following drug and alcohol related misconduct and the regulations do not preclude processing for discharge under other than honorable conditions in appropriate cases. The Board concluded that the discharge was proper as issued and no change is warranted.

Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

The Board believes that you may be eligible for veterans' benefits based on your prior honorable service. Therefore, if you have been denied benefits, you should appeal that denial under procedures established by the Department of Veterans Affairs.

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

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The American Legion