



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

CRS
Docket No: 5555-01
30 November 2001

[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.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 7 November 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.

The Board found that you enlisted in the Navy on 5 February 1981 at age 19. The record reflects that on 10 January 1983 you received nonjudicial punishment for two instances of assault and battery, communicating a threat, drunk and disorderly conduct, and unlawfully entering a personal residence. On 30 March 1983 a substance use evaluation diagnosed you as being alcohol dependent. You then participated in and completed alcohol abuse treatment. Subsequently, on 24 October 1983 you received a second nonjudicial punishment for drunk and disorderly conduct. On 1 December 1983 you received a general discharge by reason of alcohol abuse rehabilitation failure.

Character of service is based, in part, on one's conduct and overall traits averages, both of which are computed from marks assigned during periodic evaluations. Your conduct and overall trait averages were 2.8 and 3.0, respectively. A minimum conduct mark of 3.0 was required for a fully honorable characterization of service at the time of separation.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth and immaturity and the contention that you were told that the discharge would be upgraded after six months. However, the Board concluded that these factors were not sufficient to warrant recharacterization of your discharge due to your two nonjudicial punishments as well as the fact that your conduct average was insufficiently high to warrant a fully honorable discharge. In this regard, no law or regulation provides for upgrading a discharge based solely on the passage of time. 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