



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

TJR
Docket No: 10299-02
12 September 2003

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 9 September 2003. 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 the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Marine Corps on 13 January 1981 at age 18. On 12 September 1981 you received nonjudicial punishment (NJP) for communicating a threat and were awarded a \$135 forfeiture of pay and correctional custody for seven days, which was suspended for six months. Shortly thereafter, on 23 October 1981, you received NJP for two specifications each of disorderly conduct and causing a disturbance. The punishment imposed was a \$135 forfeiture of pay. The commanding officer also directed execution of the correctional custody which was suspended at the 12 September 1981 NJP.

On 3 January 1982 you were convicted by summary court-martial (SCM) of communicating a threat, drunk and disorderly conduct, and three specifications of destruction of property. You were sentenced to confinement at hard labor for one month and reduction to paygrade E-1. On 4 June 1982 you received NJP for assault and were awarded a \$250 forfeiture of pay, reduction to paygrade E-1, and restriction for 45 days.

On 7 June 1982 you were notified of pending administrative separation action by reason of misconduct due to frequent involvement of a discreditable nature with military and civilian authorities. At that time you waived your right to consult with legal counsel and to present your case to an administrative discharge board. Subsequently, your commanding officer recommended an other than honorable discharge by reason of misconduct due to frequent involvement of a discreditable nature with military authorities and stated as follows:

(Member) has been the subject of dozens of violent incidents usually related to alcohol.... unfortunately, many of these (incidents) went unpunished as his company commander felt that he had promise....(his) subsequent actions clearly demonstrate that he has no potential for further service.

Subsequently, the discharge authority directed an other than honorable discharge by reason of misconduct due to frequent involvement of a discreditable nature with military and civilian authorities, and on 15 July 1982 you were so separated.

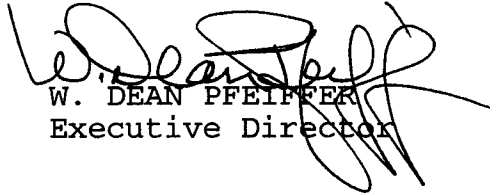
The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity, post service conduct, and your contention that you are an alcoholic and were not aware of what you were doing. Nevertheless, the Board concluded these factors and contention were not sufficient to warrant recharacterization of your discharge because of your serious and repetitive misconduct which resulted in three NJPs and a court-martial conviction. Further, alcohol abuse does not excuse misconduct, and disciplinary action and administrative separation are appropriate after alcohol related 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