



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

JRE
Docket No: 5338-02
28 January 2003

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

Subj: [REDACTED]
REVIEW OF NAVAL RECORD

Ref: (a) 10 U.S.C. 1552

Encl: (1) DD Form 149
(2) Subject's naval record

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with this Board requesting, in effect, that her naval record be corrected to show that she was separated from the Marine Corps with an honorable or a general discharge.
2. The Board, consisting of Ms. Nofziger and Messrs. Chapman and Morgan, reviewed Petitioner's allegations of error and injustice on 23 January 2003 and, pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations and policies.
3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice finds as follows:
 - a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.
 - b. Although, it appears that enclosure (1) was not filed in a timely manner, it is in the interest of justice to waive the statute of limitations and review the application on its merits.
 - c. Petitioner enlisted in the Marine Corps Reserve on 22 July 1986, and entered on active duty for training on 4 August 1986. She was admitted to an alcohol rehabilitation program on 6 March 1987 with a diagnosis of alcohol dependence. She was discharged from the program on 3 April 1987 as a treatment failure. She was considered unsuitable for active duty service, and to have "minimal prognosis" for service in the Marine Corps Reserve. It was noted by officials of the rehabilitation service that administrative separation by reason of alcohol rehabilitation failure was warranted in her case. She was discharged from the Marine

Corps Reserve on 4 May 1987 by reason of misconduct/pattern of misconduct, with a discharge under other than honorable conditions, based on her two nonjudicial punishments for drinking alcoholic beverages on two occasions while under the age of 21, breaking restriction, and failing to check out on liberty. According to Petitioner, all of those offenses were related to her uncontrollable compulsion to drink alcoholic beverages. She states that she has been sober for about 4 years.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner's misconduct was directly related to her alcohol dependence. Although the misconduct cannot be excused on that basis, it is significantly mitigated. Accordingly, and as her acts of misconduct were relatively minor in nature, the Board concludes that it would be in the interest of justice to grant her request for an upgraded discharge.

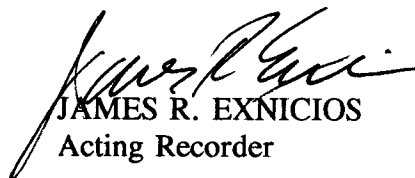
RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that on 4 May 1987, she was separated from the Marine Corps Reserve by reason of alcohol rehabilitation failure, with a general discharge.

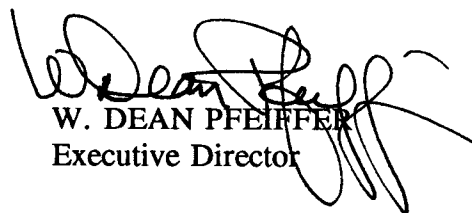
b. That a copy of this Report of Proceedings be filed in Petitioner's naval record.

4. Pursuant to Section 6(c) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(c)) it is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN
Recorder


JAMES R. EXNICIOS
Acting Recorder

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for correction of Naval Records (32 Code of Federal Regulations, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.


W. DEAN PFEIFFER
Executive Director