



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

CRS
Docket No: 1373-02
12 July 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 10 July 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 Marine Corps on 11 October 1989. The record reflects that you received three nonjudicial punishments. The offenses included an unauthorized absence of 11 days, absence from your appointed place of duty, drunk driving, failure to obey a lawful order on three occasions, and breaking restriction. On 22 July 1993 you were counseled about your alcohol abuse and declined alcohol abuse rehabilitation treatment. Subsequently, you received a fourth nonjudicial punishment for an unauthorized absence of four days.

On 5 August 1993 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. Subsequently, you were an unauthorized absentee on two occasions totalling 27 days. After review by the discharge authority, the recommendation for separation was approved and you were discharged on 29 October 1993 with an other than honorable discharge.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your alcohol abuse and the contention that you should have received alcohol abuse rehabilitation treatment. However, the Board concluded that these factors were not sufficient to warrant recharacterization of your discharge, given your four disciplinary actions and unauthorized absences totalling more than a month. In this regard, the record does not show that you requested rehabilitation treatment but it does show that you declined such treatment when it was offered. Further, alcohol abuse does not excuse misconduct. Therefore, the Board concluded that no change to the discharge is warranted. 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