



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

FC
Docket No: 01323-03
8 August 2003

[REDACTED]

[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 July 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 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 12 August 1981 at age 22. On 2 November 1981 you were dropped from basic electricity and electronics school because of a negative attitude. During the period from 8 April 1983 through 15 July 1983, you received two nonjudicial punishments (NJPs) for attempting to burglarize a privately owned vehicle and possession and consumption of alcoholic beverages onboard ship.

On 25 April 1985 you were placed of limited duty after three days of hospitalization for injuries sustained in a motorcycle accident. On 13 May 1985 you received a letter of indebtedness for a total of \$1283.49. On 4 June 1985 you were convicted by civil court of driving under the influence of alcohol and were sentenced to a fine of \$350, \$20 in court costs, 60 days in jail,

and a one-year revocation of your driver's license. Part of this sentence was suspended.

On 16 June 1985 you were counseled about your misconduct and warned that future infractions could result in administrative processing for discharge under other than honorable conditions. On 20 June 1985 you received a second letter of indebtedness for a total of \$622.06. You were again counseled about your continued misconduct on 18 July 1985.

On 22 July 1985 you received a third NJP for a brief period of unauthorized absence and were awarded restriction and extra duty. On 4 August 1985 you acknowledged the suspension of your driver's license. On 5 September 1985 you were prescribed antabuse and on 9 September 1985 you commenced drug and alcohol abuse counseling. However, on 3 October 1985 you were dropped from this counseling due to your non-amenability to treatment. On 7 October 1985 your driving privileges for the naval station were revoked. On 24 November 1985 you were convicted in civil court of failure to obey a police officer, driving under the influence of alcohol, and assuming a false name. You were sentenced to a \$625 fine, 10 days in jail, and a thirty-day suspension of your driver's license. On 26 November 1985 you were convicted by civil court of failure to appear, reckless driving, and driving with a revoked driver's license. You were sentenced to a fine of \$160, 10 days in jail, and a thirty-day suspension of your driver's license. On 13 December 1985 you returned from an eight-day period of unauthorized absence (UA). There is no record of any disciplinary action for this UA.

On 7 January 1986 you were notified of administrative separation processing and you waived all of your procedural rights except the right to obtain copies of documents forwarded to the separation authority supporting the basis of the proposed separation. On 8 January 1986 you were diagnosed as psychologically dependent on alcohol and recommended for separation because of alcohol rehabilitation failure. The attending medical officer indicated that you would likely experience further problems with alcohol, and that you denied having an alcohol problem, and intended to continue drinking.

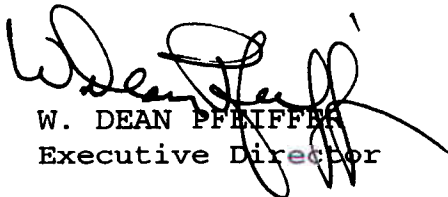
On 13 January 1986 the commanding officer recommended an other than honorable discharge by reason of misconduct due to a pattern of misconduct and commission of a serious offense; and by reason of alcohol abuse rehabilitation failure. On 20 January 1986 the separation authority directed discharge under other than honorable conditions by reason of misconduct due to a pattern of

misconduct. On 28 January 1986, you declined treatment at a Veterans Administration (VA) facility for alcohol dependence. On that same day, you were discharged under other than honorable conditions.

In its review of your case, the Board carefully weighed all potentially mitigating factors such as the length of time that has passed since you were discharged from the Navy. However, the Board found that these factors were not sufficient to warrant recharacterization of your discharge, given your frequent misconduct that resulted in four NJPs and three civil convictions. Further, the Board noted your refusal of VA treatment for drug and alcohol dependence at the time of your discharge. 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