



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

TAL  
Docket No: 01894-09  
30 November 2009



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 18 November 2009. 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.

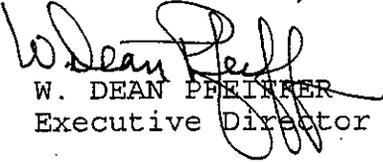
You enlisted in the Navy and began a period of active duty on 21 May 1991 at age 20. On 29 January 1992, you received nonjudicial punishment (NJP) for under age drinking. On 23 April 1992, you received NJP for five instances of under age drinking. On 10 December 1992, you received NJP for unauthorized absence (UA), failure to go to your appointed place of duty and drunkenness. Additionally, after your second NJP, you were counseled and warned that further misconduct could result in administrative discharge action. In May 1992, you were placed in an alcohol rehabilitation program; however your rehabilitation failure was revealed by your continued alcohol abuse and misconduct. On 16 April 1993, administrative discharge action was initiated by reason of misconduct due to a pattern of misconduct. You waived your rights to consult counsel, or have your case heard by an administrative discharge board (ADB). You did, however elect to submit a written statement. On 28 April 1993, your commanding officer forwarded his recommendation that you be discharged under other than honorable (OTH) conditions for misconduct. On 30 April 1993, the separation authority directed an OTH discharge by reason of misconduct due to a pattern of misconduct. On 27 July

1993 you were so discharged.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth, and overall record of service. Nevertheless, the Board found that these factors were not sufficient to warrant recharacterization of your discharge given the seriousness of your misconduct that resulted in alcohol rehabilitation failure and three NJP's, one of which was imposed after you were counseled and warned of the consequences of further misconduct. Finally, the Board noted that you waived the right to an ADB, your best opportunity for retention or a better characterization of service. 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