



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

SJN
Docket No: 12409-09
2 September 2010

[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 31 August 2010. 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.

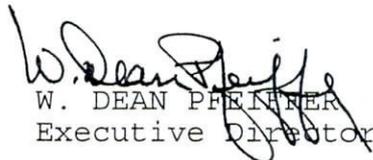
You enlisted in the Navy and began a period of active duty on 4 October 1988. The Board found that you received nonjudicial punishment (NJP) for four days of unauthorized absence (UA). Based on the information currently contained in your record, you were admitted to a Level III alcohol rehabilitation treatment program after being found alcohol dependent by qualified medical personnel. Unfortunately, you were released from the program due to your failure to cooperate with program requirements. Subsequently, administrative discharge action was initiated to separate you by reason of alcohol abuse rehabilitation failure. You waived your rights to consult counsel, submit a statement or have your case heard by an administrative discharge board (ADB). On 6 November 1989, you receive a general discharge by reason of alcohol abuse rehabilitation failure.

Characterization of service is based in part on conduct averages computed from marks assigned on a periodic basis. Your conduct average was 2.8. At the time of your discharge, a conduct average of 3.0 was required for a fully honorable characterization of service.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth, overall record of service, and post service accomplishments. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge given your NJP, failure to adhere to your command's rehabilitation program, and failure to attain the required average in conduct. Finally, the Board noted that you waived the right to an ADB, your best chance 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