



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

RDZ:ecb
Docket No. 09349-09
25 February 2010

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

Subj: REVIEW OF NAVAL RECORD OF FORMER [REDACTED]
[REDACTED]

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

Encl: (1) Subject's naval record

1. Pursuant to the provisions of reference (a), Petitioner, applied to this Board requesting that his discharge be upgraded to honorable.

2. The Board, consisting of [REDACTED] reviewed Petitioner's allegations of error and injustice on 24 February 2010 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. Petitioner's application to the Board was filed in a timely manner.

c. Petitioner enlisted in the Navy on 14 November 2000. Between November 2000 and July 2003 he received nonjudicial punishment (NJP) on three occasions. The first NJP took place on 31 January 2001 for failure to obey an order. Petitioner's second NJP was based on his being absent from his duty station

for eight hours in the early morning hours of New Years Eve of 2002 and being intoxicated. His third NJP occurred on 26 June 2003 and was due to Petitioner's again being absent from his duty station for four hours and being intoxicated. Based on these three NJP's he was issued an other than honorable discharge on 11 July 2003.

d. In his application to the Board Petitioner has submitted documentation showing that after his discharge he successfully completed an alcohol rehabilitation program and is presently taking courses at Alabama State University with a view to earning an undergraduate degree in psychology.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner's case warrants partial relief by upgrading his other than honorable discharge to general based on the minor nature of his offenses and his post service accomplishments. Nevertheless due to his frequent misconduct and substandard performance of duty his request for an honorable discharge cannot be justified.

The Board further concludes that this Report of Proceedings should be filed in Petitioner's naval record so that all future reviewers will understand the reasons for the Board's action.

RECOMMENDATION:

- a. That Petitioner's naval record be corrected to show that on 11 July 2003 he received a general discharge in lieu of the other than honorable discharge actually issued on that date.
- b. That Petitioner's request for an honorable discharge be denied.
- c. That upon request, the Department of Veterans' Affairs be informed that Petitioner's application was received by the Board on 25 September 2008.
- d. That a copy of this Report of Proceedings be filed in Petitioner's naval record.

4. 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


BRIAN J. GEORGE
Acting Recorder

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


W. DEAN PFEIFFER
Executive Director