



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

SJN  
Docket No: 13619-10  
7 July 2011

[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 6 July 2011. 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.


On 22 April 1988, you reenlisted in the Navy after 10 years of honorable service. The Board found that on 2 November 1989, you were evaluated by the Counseling and Assistance Center (CAAC) after being referred for suspected alcohol abuse. At that time, you were evaluated and found dependent on alcohol based on your disclosures. It was recommended that you receive inpatient Level III alcohol rehabilitation treatment, a supervised regimen of Antabuse, and attend Alcoholics Anonymous (AA) meetings. On 22 January 1990, you reported for Level III treatment and after three weeks, were dropped for misreferral. On 5 April 1990, you were found drunk for duty and sent to medical for a competency exam. On 11 April 1990, you were interviewed by CAAC due to reporting to work with alcohol on your breath on 5 April 1990. After this incident, it was recommended that you be administratively separated via the Department of Veterans Affairs Administration (DVA) for treatment if it was confirmed that you were alcohol dependent. In the interim, you were to attend AA and stress management classes. On 20 April 1990, the medical department found that you were dependent on alcohol and recommended you receive inpatient Level III alcohol rehabilitation treatment. However, on 10 May 1990, you were

picked up by base security for drunken driving on base. On 1 June 1990, you received nonjudicial punishment (NJP) for drunken driving on base and received a forfeiture of pay. On 8 June 1990, you signed a statement refusing to reenlist or extend your enlistment in order to receive further treatment. Subsequently, administrative discharge action was initiated by reason of misconduct due to commission of a serious offense. You waived your rights to consult counsel, submit a statement or have your case heard by an administrative discharge board (ADB). Your case was forwarded recommending that you be discharged under other than honorable (OTH) conditions by reason of misconduct and alcohol rehabilitation failure. The discharge authority directed an OTH discharge by reason of misconduct due to commission of a serious offense. You were so discharged on 27 July 1990.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your prior honorable service, personal awards, and record of last period of service. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge given your failure to adhere to your commands alcohol rehabilitation program, NJP for drunken driving, and your refusal to participate in a second Level III inpatient alcohol rehabilitation treatment program, that was geared to help you with your alcohol dependence. 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