



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

TAL
Docket No: 8507-10
28 April 2011

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10, 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 27 April 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.

You enlisted in the Navy and began a period of active duty on 14 April 1981 at age 19. On 6 August 1981 you were the subject of a medical evaluation that diagnosed you with severe alcohol abuse. On 28 August 1981, you received nonjudicial punishment (NJP) for possession of a controlled substance Quaaludes. On 22 September 1981, you were convicted by summary court-martial (SCM) of two instances of unauthorized absence (UA) from your unit, four instances of failure to obey a lawful order, and breaking restriction. On 23 October 1981, you were admitted to the Alcohol Rehabilitation Department (ARD), but dropped from the program due to noncompliance. On 27 November 1981, you received NJP for insubordinate conduct toward a superior petty officer. After your first NJP, you were counseled regarding your misconduct and warned that further offenses could result in administrative separation. You were notified of pending administrative discharge processing with an other than honorable (OTH) discharge due to misconduct. You waived all of your procedural rights, including your right to an administrative discharge board (ADB).

On 25 January 1982, you received the OTH discharge for misconduct due to frequent involvement of a discreditable nature with civil or military authorities.

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 your two NJPs, one SCM conviction and failure to complete your command's alcohol rehabilitation program. The Board noted that you waived your right to an ADB, your best opportunity for retention or a better characterization of service. Finally, the Board found that you were fortunate to receive a general discharge, since a characterization under other than honorable condition is often directed for misconduct such as yours. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

The Board also noted that you should contact the Department of the Navy, Navy Personnel Command (BUPERS), Code Pers-3C, 5720 Integrity Drive, Millington, TN 38055-3120 to request that administrative corrections be made to your Certificate of Discharge or Release from Active Duty (DD Form 214) such as, but not inclusive of your date of birth, social security number, or record of service.

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