



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

SJN

Docket No: 02164-11
8 December 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 December 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 7 January 1985. The Board found that on 8 January 1985, you were briefed on the Navy's policy regarding drug and alcohol abuse. On 3 February 1986, you were counseled after successfully completing Level III treatment at a Navy alcohol rehabilitation center. At that time you had developed the necessary coping skills and tools to remain sober. However, on 6 February 1986, you received nonjudicial punishment (NJP) for disobedience and being incapacitated for the proper performance of duty by overindulgence in alcohol. You were counseled and warned that further misconduct could result in administrative discharge action. On 13 May and 2 July 1986, you received NJP for communicating a threat, use of provoking speech and gestures, insubordinate conduct, breaking restriction, disobedience, escaping from custody, use of indecent language, dishonorably failing to pay just debts, and communicating indecent language to a police officer.

On 7 July 1986, a medical entry states that due to your continued alcohol use and psychological dependents, you were not a candidate for a second course of rehabilitation due to your poor attitude toward continued rehabilitation and desire to be separated from the Navy. 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. The discharge authority concurred and directed an OTH discharge by reason of misconduct due to commission of a serious offense. You were so discharged on 15 August 1986.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth, record of service, and post-service medical issues. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge given your three NJP's for very serious offenses, and the fact that you were warned of the consequence of further misconduct. 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