



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE ROAD, SUITE 1001
ARLINGTON, VA 22204-2490

[REDACTED]
Docket No. 5165-17

NOV 29 2017

[REDACTED]
Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of 10 USC 1552.

Although your application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider your case on its merits. A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 2 November 2017. The names and votes of the members of the panel will be furnished upon request. 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, relevant portions of your naval record and applicable statutes, regulations and policies.

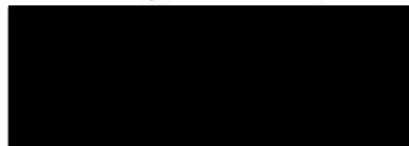
A review of your record shows that you entered active duty with the Navy in November 1982. You were initially screened for alcohol dependence on 1 May 1983 after you were involved in misconduct involving disrespect, orders violation, communicating a threat, and disorderly conduct that resulted in non-judicial punishment on 10 May 1983. Another non-judicial punishment was imposed on 24 May 1983 for failing to go to restricted muster. After attending a four hour substance abuse training in August 1983, you were again involved in disorderly conduct, assault, and an orders violation that led to another non-judicial punishment on 20 October 1983. After non-judicial punishment was again imposed on 19 July 1984 for assault, you were notified of administrative separation processing for pattern of misconduct and commission of a serious offense. After a medical screening determined you were not alcohol dependent, you were discharged with an Other than Honorable characterization of service on 28 August 1984.

The Board carefully considered your arguments that you deserve to have your non-judicial punishments removed from your record and an upgrade to your characterization of service. You assert alcoholism, bullying, and racism were all factors in your misconduct and punishments.

Unfortunately, the Board disagreed with your rationale for relief. The Board could find no evidence to support your assertion that racism influenced the punishments imposed on you for your misconduct or that you were bullied during your time in the Navy. While the Board did review evidence that showed you abused alcohol that likely contributed to your history of misconduct, the Board was unable to find evidence that you were dependent on alcohol or that you were not mentally responsible for your acts of misconduct that formed the basis for your separation and characterization of service. Absent evidence in the record that you did not commit the misconduct or evidence that your punishments were illegally imposed, the Board concluded that your non-judicial punishments were supported by your record of misconduct and appropriately imposed by the Navy. Regarding your abuse of alcohol, the Board concluded the Navy properly screened you for alcoholism of at least two occasions and provided you training to educate you on the negative effects of alcohol abuse. You attended a four-hour substance abuse training upon reporting to your new command and still proceeded to commit alcohol related misconduct within 60 days. Despite your history of misconduct, evidenced by three non-judicial punishments in six months, your command retained you in the Navy. However, your involvement in continued misconduct approximately six months later, justifiably, in the Board's opinion, led to your administrative separation and Other than Honorable characterization of service. Four non-judicial punishments in less than 24 months of active duty for multiple serious offenses that qualified for punitive discharges under the Uniform Code of Military Justice was sufficient evidence for the Board to find that your characterization of service was supported by your record of misconduct. Further, they determined that any mitigation offered by your abuse of alcohol was offset by your apparent disregard of the Navy's attempts to educate you on effects of alcohol abuse. Accordingly, the Board was unable to find an error or injustice warranting a correction to your record and denied your application.

It is regretted that the circumstances of your case are such that favorable action cannot be taken at this time. You are entitled to have the Board reconsider its decision upon the submission of new and material evidence. New evidence is evidence 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,

A solid black rectangular box used to redact the signature of the Executive Director.

Executive Director