



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

[REDACTED]
Docket No. 6508-17

FEB 05 2018

[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 18 January 2018. 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 July 1982. Between December 1982 and February 1984, non-judicial punishment was imposed on your four times for minor unauthorized absence offenses. You were treated for alcoholism on 20 August 1984 through 5 September 1984 before you were again subject to non-judicial punishment on 20 November 1984 for unauthorized absences, disobeying an order, and sleeping on post. This last incident resulted in your administrative separation processing and discharge for pattern of misconduct on 16 January 1985. You received an Other than Honorable characterization of service based on your history of misconduct.

The Board carefully considered your arguments that your alcoholism and positive post-discharge history should result in an upgrade to your characterization of service or change the narrative reason for separation to disability. Unfortunately, the Board did not agree with your rationale for relief. First, the Board found no evidence you were suffering from a qualifying disability at the time of your discharge from the Navy. While your medical record shows you were diagnosed with alcoholism, that condition is not considered a qualifying disability under the disability regulations. Second, despite the improvements you experienced in your post-discharge life, including your 18+ years of sobriety, the Board concluded this was insufficient evidence to

upgrade your characterization of service. The Board was grateful that you were able to control your alcohol addiction and noted your positive community involvement since your discharge from the Navy, however, the Board felt this was insufficient mitigation evidence to warrant a change to your characterization of service. The Board noted that the Navy attempted to treat your alcoholism before you committed further additional misconduct that made your retention in the Navy untenable. They felt you were provided ample opportunity to seek treatment and succeed in the Navy before you resorted to additional misconduct that forced the command to take administrative separation action against you. Accordingly, the Board was unable to find an error or injustice warranting a correction to your record and denied your application.

The Board wishes you continued success in your personal life and hopes you are able to maintain the sobriety that has been instrumental in that achieving that success.

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 large black rectangular redaction box covering the signature of the Executive Director.

Executive Director