



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

TRG

Docket No: 4771-99

20 June 2000

[REDACTED]

Dear [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 13 June 2000. 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 that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Marine Corps on 12 December 1988 at age 19. The record shows that you then served for several years without incident. During 1991 you received nonjudicial punishment on four occasions. Your offenses were two absences from your appointed place of duty, missing the movement of your unit, breaking restriction and disobedience. Following your third NJP you were diagnosed as an alcohol abuser and were recommended for a Level II Alcohol Abuse Treatment Program. However, no action was taken on this recommendation. It appears that you were subsequently again recommended for the Level II program after a drunk driving incident.

On 10 July 1992 the Navy Drug Laboratory reported a positive urinalysis for cocaine. On 17 July 1992 you completed the Level II program. That same day you were diagnosed as being alcohol dependent and were recommended for a Level III inpatient program. On 22 September 1992 you received your fifth nonjudicial punishment for use of cocaine. The punishment included forfeitures of pay and a reduction in rank to PFC (E-2).

Based on your use of cocaine you were processed for an administrative discharge. In connection with this processing, you elected to waive your right to have your case heard by an administrative discharge board. On 14 October 1992 the discharge authority approved the recommendation of your commanding officer that you be discharged for misconduct with a discharge under other than honorable conditions. It was also directed that you be provided Level III alcohol rehabilitation prior to discharge.

On 29 December 1992 you received your sixth nonjudicial punishment for wrongfully communicating a bomb threat. The punishment included forfeitures of pay and a reduction in rank which was suspended. On 4 January 1993 you were medically evacuated to a Department of Veterans Affairs treatment facility for Level III alcohol rehabilitation. You were discharged under other than honorable conditions on 26 February 1993.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your period of good service and documented alcohol abuse problem. You state in your application that since discharge you have completed an alcohol abuse program and have made a good post service adjustment. You contend that if your alcohol dependence had been identified and treated in a timely manner, you would have been able to complete your enlistment.

The Board found that these factors and contentions were not sufficient to warrant recharacterization of your discharge given your record of misconduct and especially the last two nonjudicial punishments for serious offenses. The Board was aware that alcohol abuse is not an excuse for misconduct, and disciplinary action is appropriate following alcohol related misconduct. In addition regulations do not preclude discharge processing for individuals who have been diagnosed as alcohol dependent. The Board concluded that the discharge was proper as issued and no change is warranted.

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