



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

TJR  
Docket No: 7515-00  
26 February 2001

[REDACTED]

Dear [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 13 February 2001. 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.

The Board found you reenlisted in the Navy on 3 June 1988 after six years of prior honorable service.

Your record reflects that on 20 January 1989, after undergoing a medical examination due to suspected alcohol abuse, you were diagnosed as alcohol dependent and recommended for inpatient Level III alcohol rehabilitation treatment. The record reflects that on 19 May 1989 you completed this treatment. However, on 15 November 1989, you received nonjudicial punishment (NJP) for drunkenness, drunken/reckless driving, disrespect, assault, disobedience, and disorderly conduct. The punishment imposed was extra duty for 14 days and reduction to paygrade E-4.

Your record further reflects that on 11 January 1990 you were notified of pending administrative separation action by reason of misconduct due to commission of a serious offense and alcohol abuse rehabilitation failure. After consulting with legal counsel you elected to present your case to an administrative discharge board (ADB). An ADB recommended you be issued a general discharge by reason of misconduct due to commission of a

serious offense and alcohol abuse rehabilitation failure. Your commanding officer also recommended a general discharge by reason of misconduct. However, the discharge authority disapproved these recommendations because of authorized absences (UA) from 28 January to 1 February and from 14 March to 25 April 1990 totalling 14 days.

On 24 May 1990 you were convicted by summary court-martial (SCM) of a 40 day period of UA. You were sentenced to a \$761 forfeiture of pay, confinement for 29 days, and reduction to paygrade E-2. A portion of the sentence was suspended for four months.

Subsequently, you were again notified of pending administrative separation action by reason of misconduct due to commission of a serious offense and alcohol abuse rehabilitation failure. At this time you waived your rights to consult with legal counsel and to present your case to an ADB or submit a statement in rebuttal to the separation. On 29 May 1990 your commanding officer recommended you be issued an other than honorable discharge by reason of misconduct due to commission of a serious offense. The discharge authority approved this recommendation and directed an other than honorable discharge. On 30 May 1990 you began a 21 day period of UA that was not terminated until you were discharged. On 20 June 1990 you received an other than honorable discharge.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your prior honorable service, post service awards, and a background report from the Federal Bureau of Investigation (FBI). The Board further considered your contention of good post service conduct, which contradicted the information provided by the FBI report which showed post-service convictions for assault, malicious injury to property, domestic violence, driving under the influence, and driving with an open container of an alcoholic beverage. The Board concluded these factors and contentions were not sufficient to warrant recharacterization of your discharge given the serious nature of your frequent misconduct. Given all the circumstances in your case, the Board concluded your 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