



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

WMP
Docket No: 3729-02
5 September 2002

[REDACTED]

[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 4 September 2002. 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 Navy on 25 November 1983 for four years at age 18. The record reflects that you were advanced to fireman (E-3) on 16 October 1984 and served without incident until you requested assistance with your alcohol dependence. On 13 June 1986 you completed level III alcohol rehabilitation treatment and were placed in an aftercare program, which you completed on 7 January 1987.

The record reflects that on 7 May 1987 you received nonjudicial punishment (NJP) for failure to be at your appointed place of duty, drunk on duty, and wrongful use of marijuana on or about 9 April 1987. The punishment imposed was a reduction to paygrade E-2, 15 days of restriction and extra duty, and forfeitures of \$370 per month for two months.

On 27 May 1987, you were notified that separation action was being initiated by reason of misconduct due to commission of a serious offense and drug abuse. You were advised of and waived all of your procedural rights, with the exception of obtaining copies of documents supporting the basis for your proposed separation.

On 28 May 1987, your commanding officer forwarded the separation action, recommending an other than honorable discharge due to misconduct, to the Commander, Naval Military Personnel Command (CNMPC). On 3 June 1987 CNMPC directed an other than honorable discharge by reason of misconduct due to drug abuse. On 23 June 1987, you were so discharged.

Prior to your discharge on 23 June 1987, you declined to attend a Veterans Administration (VA) in-patient treatment program for alcohol and/or drug dependency.

In its review of your application the Board carefully weighed all potentially mitigating factors such as your age and immaturity, and the fact that you had a relapse in your sobriety program. However, the Board concluded that the record fully supported the other than honorable discharge based on your NJP for drunk on duty and wrongful use of marijuana, and your return to alcohol abuse after completing an in-patient alcohol rehabilitation program and the aftercare program. 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