



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

WMP
Docket No: 4971-02
22 November 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 20 November 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 15 October 1976 for four years at age 18. You served without incident until 30 June 1977, when you received nonjudicial punishment (NJP) for failure to obey a written regulation. The punishment imposed was 14 days of restriction.

On 14 July 1977 you received NJP for failure to obey a lawful order and failure to go to your appointed place of duty. The punishment imposed was 10 days of extra duty. On 26 August 1977 you again received NJP for failure to go to your appointed place of duty. The punishment imposed was 5 days of extra duty.

On 29 August 1977 you were counseled concerning your conduct and warned that continued misconduct could disqualify you for an honorable discharge.

You received NJP on 30 September 1977 for underage drinking and interfering with the shore patrol. The punishment imposed was 10 days of restriction and extra duty. On 13 October 1977 you received NJP for two instances of failure to go to your appointed place of duty. The punishment imposed was 6 days of extra duty. You again received NJP on 11 November 1977 for failure to go to your appointed place of duty. The punishment imposed was 5 days of restriction and extra duty and a forfeiture of \$50.

On 15 November 1977, you were notified that separation action was being initiated by reason of misconduct due to frequent involvement of a discreditable nature with military authorities. You were advised of and retained all of your procedural rights, however, you waived your right to an administrative discharge board (ADB) in exchange for a general discharge.

On 25 November 1977, your commanding officer forwarded the separation action, recommending a general discharge due to misconduct, to the Chief of Naval Personnel (CNP). On 9 December 1977 CNP directed discharge and on 1 March 1978, you received a general discharge.

In its review of your application the Board carefully weighed all potentially mitigating factors such as your youth and immaturity, and your contention that you were unjustly removed from active duty and not provided treatment for your alcoholism. However, the Board concluded that you could have received an other than honorable discharge based on your six NJP's in a six month period had you not made an agreement with the commanding officer for a general discharge. Furthermore, there was no evidence provided or available that you were diagnosed as alcohol dependent or that you requested or were refused alcohol treatment. Therefore, the Board concluded that your general discharge for misconduct was appropriate and that you were not unjustly discharged, but were, in fact, fortunate to have received a general discharge and not an other than honorable discharge. 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