



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

TJR
Docket No: 7978-02
12 June 2003

[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 10 June 2003. 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.

You reenlisted in the Navy on 2 November 1984 after four years of prior honorable service.

On 13 March 1985 you received nonjudicial punishment (NJP) for failure to obey a lawful order and assault. The punishment imposed was a \$400 forfeiture of pay. On 22 April 1985 you received NJP for absence from your appointed place of duty, using provoking words, overindulgence in liquor or drugs, and drunk and disorderly conduct. The punishment imposed was restriction and extra duty for 14 days and a reduction in paygrade. On 10 June 1985 you received your third NJP for disobedience and were awarded a \$200 forfeiture of pay.

On 11 June 1985 you were notified of pending administrative separation action by reason of misconduct due to a pattern of misconduct. After consulting with legal counsel you elected to

present your case to an administrative discharge board (ADB). On 22 June 1985 an ADB recommended a general discharge by reason of misconduct. On 23 June 1985 your commanding officer also recommended separation by reason of misconduct.

On 23 July 1985 you were referred for a medical examination for possible alcohol abuse. On 30 July 1985, after undergoing a medical examination, you were diagnosed as alcohol dependent, but found to be responsible for actions. At that time you were recommended for alcohol and drug education and an administrative separation.

On 8 August 1985 the discharge authority directed a general discharge by reason of misconduct, and on 19 August 1985 you were so separated and assigned an RE-4 reenlistment code.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your prior honorable service and your contention that an ADB did not take into consideration your prior enlistment when determining the characterization of your service. Nevertheless, the Board concluded these factors and contention were not sufficient to warrant recharacterization of your discharge or a change of the reenlistment code because of the seriousness of your repetitive misconduct. The Board noted that individuals discharged for misconduct must receive an RE-4 reenlistment code, and often receive undesirable discharges. The Board also noted that you were fortunate to receive a general 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