



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

CRS
Docket No: 8567-02
15 October 2003

[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 10 September 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 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 28 August 1978. The record reflects that you received six nonjudicial punishments. The offenses included wrongful urination on two occasions, damaging government property, failing inspection, absence from your appointed place of duty on three occasions, failure to obey a lawful order on three occasions, an unauthorized absence of a day, breaking restriction, and possession of drug paraphernalia and a possible controlled substance.

On 28 March 1979 the commanding officer recommended that you be separated with a general discharge by reason of misconduct. When informed of this recommendation, you elected to waive the right to submit a statement in response to the discharge action. After review by the discharge authority, the recommendation for separation was approved and on 30 March 1979 you received a general discharge by reason of misconduct.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth and immaturity and the contention that alcohol abuse caused your misconduct. However, the Board concluded that these factors were not sufficient to warrant recharacterization of your discharge, given your record of frequent involvement with military authorities. In this regard, the Board noted that you were the subject of six disciplinary actions within a period of less than a year. Further, there is no evidence in your record that alcohol abuse was a factor in your misconduct, and you have submitted no such evidence. Additionally, even if alcohol abuse contributed to your offenses, such abuse does not excuse misconduct. Based on the foregoing, the Board concluded that no change to the discharge 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