



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

SJN
Docket No: 06873-08
21 May 2009

[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 13 May 2009. 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 enlisted in the Navy and began a period of active duty on 7 October 1980 at age 17. On 24 September and 18 December 1981, you received nonjudicial punishment (NJP) for being drunk on duty, using profane language, and drunk and disorderly conduct. On 26 December 1981, you were admitted to an alcohol rehabilitation center after an incident which occurred while you were intoxicated. Consequently, you were evaluated as a habitual alcohol abuser and placed in a recovery program. On 9 February 1982, you were counseled and warned that any further alcohol related incidents or misconduct could result in administrative discharge action. Unfortunately, on 9 September and 2 December 1982, you received NJP for being incapacitated for the proper performance of duty, a brief unauthorized absence, five instances of disobedience, sleeping on watch, destruction of government property, and assault.

On 10 December 1982, administrative discharge action was initiated to separate you by reason of alcohol abuse rehabilitation failure. Based on the information currently contained in your record it appears that you waived your rights

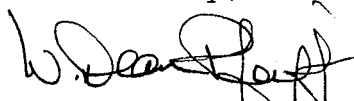
to consult counsel, submit a statement or have your case heard by an administrative discharge board (ADB). On 15 December 1982, your commanding officer forwarded his recommendation that you be discharged under honorable conditions by reason of alcohol abuse rehabilitation failure. He stated, in part, that you refused to participate in a supervised antabuse program, and had not attended Alcoholics Anonymous. On 15 January 1983, the discharge authority directed a type warranted by service record discharge due to your alcohol abuse rehabilitation failure. On 19 January 1983 you were so discharged.

Characterization of service is based in part on conduct and proficiency averages computed from marks assigned on a periodic basis. Your conduct average was 2.6. At the time of your service, a conduct average of 3.0 was required for a fully honorable characterization of service. The Board also noted that you were fortunate to receive a general discharge since a discharge under other than honorable conditions is often directed when an individual has a pattern of misconduct.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth, overall record of service, and post service accomplishments. Nevertheless, the Board concluded these factors were not sufficient to warrant upgrading your discharge given the four NJP's and your failure to attain the required average in conduct. 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