



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

TJR
Docket No: 9510-08
19 August 2009

[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 18 August 2009. The names and votes of the members of the panel will be furnished upon request. 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 26 October 1990 after eight years of prior honorable service. You continued to serve for a year and two months without disciplinary incident, however, during the period from 30 January to 20 March 1992, you received nonjudicial punishment (NJP) on two occasions for absence from your appointed place of duty and four periods of unauthorized absence (UA) totalling five days. You were also counselled on three occasions for failure to pay just debts, extensive indebtedness, a positive urinalysis for cocaine, and an arrest by civil authorities for driving under the influence of alcohol.

On 30 March 1992 you were notified of pending administrative separation action by reason of misconduct due to a pattern of misconduct, drug abuse, alcohol rehabilitation failure, and indebtedness. At that time you waived your right to consult with legal counsel and to present your case to an administrative

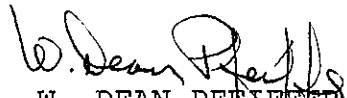
discharge board (ADB). On 3 April 1992 your commanding officer also recommended separation under other than honorable conditions by reason of misconduct. Shortly thereafter, on 8 April 1992, you were convicted by civil authorities of driving under the influence. You were sentenced to a \$250 fine, \$24 court cost, confinement for 30 days, probation for a year, and a suspended license for six months. You were also directed to participate in an alcohol rehabilitation program.

On 13 April 1992, the discharge authority approved the foregoing recommendation and directed your commanding officer to issue you an other than honorable discharge by reason of misconduct. On 16 April 1992 you received your third NJP for failure to go to your appointed place of duty and drunken driving and were awarded reduction to paygrade E-3. On 22 April 1992 you were issued an other than honorable discharged by reason of misconduct and were 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, post service conduct, character reference letters, and desire to upgrade your discharge and change your narrative reason for separation. It also considered your assertion that several personal and family problems were the cause of your irrational thinking which led to your discharge. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of the seriousness of your repetitive misconduct in both the military and civilian communities and included drug and alcohol abuse. There is no evidence in the record, and you submitted none to support your assertion. Accordingly, your application has been denied.

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