



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

TAL  
Docket No: 12457-10  
19 August 2011

[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 17 August 2011. 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.

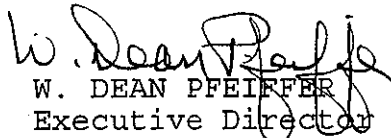
You enlisted in the Marine Corps and began a period of active duty on 3 August 1998 at age 21. On 11 May 1999, you were hospitalized at the Naval Hospital, Camp Pendleton, California, in the Naval Addictions Rehabilitation and Education Department with a diagnosis of alcohol dependence. You completed the treatment and on 28 May 1999, you were returned to duty and placed in a formal one year recovery program. On 14 July 1999, you received nonjudicial punishment (NJP) for willfully disobeying a lawful order from the duty noncommissioned officer to take your beer into his room. On 22 July 1999, you were the subject of a mental health evaluation where you were diagnosed as alcohol dependent not in remission. It was recommended that you be expeditiously processed for administrative separation as an aftercare failure. On 12 August 1999, you again received NJP for failure to go to your appointed place of duty (restricted muster) and failure to obey a lawful regulation, by being intoxicated while on restriction. You were counseled regarding your misconduct and warned that further offenses could result in administrative separation. You were notified of pending administrative discharge processing with a general discharge due

to alcohol rehabilitation failure. You waived your right to have your case heard by an administrative discharge board (ADB). You did, however elect to submit a written statement. On 24 November 1999, you received the general discharge for alcohol rehabilitation failure.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth and overall record of service. Nevertheless, the Board found that these factors were not sufficient to warrant recharacterization of your discharge given your two NJPs and failure to complete your command's alcohol rehabilitation program. The Board noted that you waived your right to an ADB, your best opportunity for retention or a better characterization of service. Finally, the Board found that you were fortunate to receive a general discharge, since a characterization under other than honorable condition is often directed for individuals who have committed misconduct. 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