



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE ROAD, SUITE 1001
ARLINGTON, VA 22204-2490

TJR
Docket No: 1582-12
5 December 2012

[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 4 December 2012. 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 24 December 1983 after more than eight years of prior satisfactory service. You served without disciplinary incident until 3 January 1985, when you were convicted by civil authorities of driving under the influence of alcohol. A year later, on 6 January 1986, you received nonjudicial punishment (NJP) for failure to obey a lawful order.

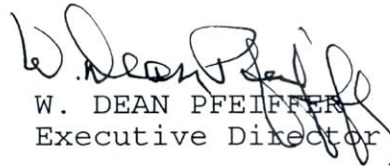
Subsequently, you were notified of pending administrative separation action by reason of misconduct due to commission of a serious offense and alcohol rehabilitation failure. After consulting with legal counsel you elected to present your case to an administrative discharge board (ADB). On 6 May 1986 an ADB recommended discharge under other than honorable conditions by reason of misconduct due to commission of a serious offense. On 21 May 1986 you submitted a written rebuttal to the ADB recommendation and requested a general discharge. Your request was denied and your commanding officer, in concurrence with the ADB, also recommended discharge under other than honorable conditions by reason of misconduct due to commission of a serious

offense. This recommendation also noted your alcohol rehabilitation failure, involvement with military and civilian authorities, financial irresponsibility, and being a disciplinary burden. On 8 June 1986 the discharge authority approved the foregoing recommendations and directed your commanding officer to issue you an other than honorable discharge by reason of misconduct due to commission of a serious offense, and on 12 June 1986, you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your prior satisfactory service, desire to upgrade your discharge, and assertion that your discharge was unjust because it was based solely on your civilian conviction. Nevertheless, the Board concluded these factors were not sufficient to warrant relief in your case because of the seriousness of your repetitive misconduct in both the military and civilian communities. Finally, the Board found that there is sufficient evidence in the record that is contrary to 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