



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

BAN
Docket No: 03522-12
27 February 2013

[REDACTED]

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This is in reference to your application for correction of your deceased son's 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 26 February 2013. 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, his 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 entered active duty service in the Navy on 3 December 1982, and served without disciplinary incident until 26 May 1983, when you received nonjudicial punishment (NJP) for assault. Shortly thereafter, you received the following NJP's: on 2 July 1984, for an unauthorized absence (UA); on 30 October 1984, for UA and a general order violation; on 29 July 1985, for failure to go to your appointed place of duty; on 16 August 1985, for breaking restriction and failure to obey a lawful order; and on 19 August 1985, for wrongful use of controlled substances (codeine, cocaine, and marijuana). You were recommended for separation with an other than honorable (OTH) discharge due to a pattern of misconduct. You waived your right to consult with counsel and an administrative discharge board (ADB). The separation authority

approved the recommendation, and on 25 October 1985, you were separated with an OTH discharge due to a pattern of misconduct and an RE-4 (not recommended for retention) reenlistment code.

The Board, in its review of his entire record and application, carefully weighed all potentially mitigating factors, such as your claim that you were an alcoholic and did not receive any treatment. Nevertheless, the Board concluded these factors were not sufficient to warrant a change to your characterization of service, due to your misconduct. Furthermore, the Board found that you waived your right to consult with counsel and an ADB, your best opportunity for retention, or a better characterization of service. Finally, the Board found that none of your misconduct was alcohol related. In view of the above, 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