



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

SJN
Docket No: 00250-13
17 October 2013



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 16 October 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, 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 26 October 1987. The Board found that on 7 July 1988, you completed level III alcohol rehabilitation treatment and were placed on a 12 month aftercare program. On 29 July 1988, you were counseled regarding excessive use of alcohol, and warned that further use could result in administrative discharge action. During the period from 2 March 1989 to 2 July 1991, you received three nonjudicial punishments (NJP's) for unauthorized absence, two instances of failing to go to your appointed place of duty, and being incapacitated for the proper performance of duty due to over indulgence in intoxicating liquor. Subsequently, administrative discharge action was initiated by reason of misconduct due to a pattern of misconduct. You waived your rights to consult counsel, submit a statement or have your case heard by an administrative discharge board (ADB). On 27 August 1991, your case was forwarded recommending that you be discharged under other than honorable (OTH) conditions by reason of misconduct. The separation authority concurred and directed an OTH discharge by reason of misconduct due to a pattern of misconduct. You were so discharged on 20 September 1991.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your record of service, post service accomplishments, and desire to change your discharge. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge given your three NJP's and the fact that you were warned of the consequences of further misconduct and over indulgence in drinking liquor. The Board also noted that you waived the right to an ADB, your best chance for retention or a better characterization of service. 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 PFELFER
Executive Director