



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

TJR

Docket No: 2464-99

24 August 1999

[REDACTED]

Dear [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 10 August 1999. 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.

The Board found you enlisted in the Navy on 12 January 1961 at the age of 20. Your record reflects that you served for a little more than a year without incident but on 27 February 1962 you received nonjudicial punishment (NJP) for disrespect and were awarded extra duty for two weeks. On 17 and 31 July 1962 you were convicted by civil authorities of two counts of disorderly conduct and drunkenness. Shortly thereafter, on 6 August 1962, you received NJP on two occasions for reckless driving, driving under the influence, and a six day period of unauthorized absence (UA). Subsequently, on 15 August 1962, you were notified of pending administrative separation action by reason of unfitness.

After consulting with legal counsel you elected your right to submit a statement in rebuttal to the discharge. On 7 September 1962 the commanding officer recommended you be issued an undesirable discharge by reason of unfitness. On 24 September 1962 the discharge authority approved the foregoing recommendation and directed your commanding officer to issue you an other than honorable discharge by reason of unfitness and on 27 November 1962 you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity, good post service conduct, and your contentions that you would like your discharge upgraded and that under current standards you would not have received an undesirable discharge. The Board further considered your contention that most of your problems were alcohol related and occurred in the civil community. However, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge given the seriousness of your frequent misconduct in both the military and civilian communities. Additionally, alcohol abuse does not excuse misconduct and does not preclude discharge under other than honorable conditions. Given all the circumstances of your case, the Board concluded your discharge was proper and no change is warranted. 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