



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

TJR

Docket No: 7429-97

30 June 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 22 June 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 19 May 1976 at the age of 20. Your record reflects that on 2 January 1977 you were convicted by civil authorities of public intoxication and fined \$35. On 1 June 1977 you received nonjudicial punishment (NJP) for absence from your appointed place of duty. The punishment imposed was restriction and extra duty for seven days. Shortly thereafter, on 1 October 1977, you received NJP for failure to obey a lawful order, using provoking words, and assault. The punishment imposed was restriction and extra duty for 21 days. On 9 December 1977, after undergoing a medical examination, you were diagnosed as a drug abuser. During the foregoing examination, you reported that from 1973 to 1977 you consumed a six pack of alcoholic beverages and used marijuana almost every day, and used cocaine on four occasions.

Your record further reflects that on 10 January 1978 you received NJP for a 13 day period of unauthorized absence (UA). The punishment imposed was restriction to 14 days, which was suspended for six months. On 20 January 1978 you were diagnosed as psychologically and physically drug dependent. Due to your

negative attitude toward rehabilitation and the poor prognosis for future productive service, you were recommended for an administrative separation.

On 6 February 1978, you were notified of pending administrative separation action by reason of misconduct due to frequent involvement of a discreditable nature. After consulting with legal counsel you elected to present your case to an administrative discharge board (ADB). However, you later waived your right to an ADB in exchange for your commanding officer's recommendation for a discharge under honorable conditions. Subsequently, your commanding officer recommended you be issued a general discharge by reason of misconduct due to frequent involvement of a discreditable nature. The discharge authority approved the foregoing recommendation and on 14 February 1978 you were issued a general discharge.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity, performance evaluations, record of promotions, and your contentions that you would like your discharge upgraded and that there were no support services available for treatment of your alcohol and/or drug dependency. However, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge given the seriousness of your frequent alcohol and drug related misconduct. The Board noted that alcohol and drug abuse do not excuse misconduct. Given all the circumstances in your case the Board concluded your discharge was proper as issued 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