



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

JRE
Docket No: 8866-02
18 December 2002



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 12 December 2002. 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 that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Navy on 4 May 2000. You were absent without authority on two occasions, from 16 to 31 October 2000 and 6 November 2000 to 1 January 2001. Upon your return from the second absence, court-martial charges were initiated against you. You were discharged under other than honorable conditions on 1 February 2001, pursuant to your request for discharge for the good of the service in lieu of trial by court-martial. As a result of that action, you were spared the life-long stigma of a conviction by court-martial, and the likely penalties of confinement at hard labor, forfeiture of pay and allowances, and a punitive discharge.

The Board noted that alcoholism is not considered a disability under the laws administered by the Department of the Navy. In addition, even if it were considered to be a disability, a separation in lieu of trial by court-martial takes precedence over disability evaluation processing. It concluded that your service was properly characterized by a discharge under other than honorable conditions, given your disciplinary record, limited period of creditable service, and absence of significant matters in extenuation or mitigation. It noted that

considerable clemency was granted you when your request for discharge in lieu of trial was approve.

In view of the foregoing, 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