



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

FC  
Docket No: 00735-03  
23 June 2003

[REDACTED]

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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 19 June 2003. 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.

On 27 April 1982 you reenlisted in the Navy after more than 10 years of active and reserve service. You then served without incident until 28 September 1984, when you received nonjudicial punishment (NJP) for being absent from formation and being a nuisance in a classroom by passing paperwork to students containing written vulgarity and obscenity. You were awarded forfeitures of pay and restriction. On 25 October 1985 you were convicted by civil court of driving under the influence (DUI) and sentenced to a fine and 180 days in jail, of which 178 days were suspended. On 28 May 1986 you received a second NJP for a four-day period of unauthorized absence and were awarded a reduction to paygrade E-3.

On 30 June 1986 you were notified of administrative separation processing and waived all of your procedural rights. On 15 January 1987, the commanding officer recommended administrative

separation by reason of misconduct due to minor disciplinary infractions. However, on 29 August 1986 the separation authority disapproved this recommendation and advised the command that you could be reprocessed for separation for misconduct due to commission of a serious offense because of the DUI conviction.

On 27 October 1986, you were notified again of administrative separation processing and elected to present your case to an administrative discharge board (ADB). Subsequently, an ADB unanimously recommended that you be separated with a general discharge. On 23 December 1986 the commanding officer recommended separation by reason of misconduct due to commission of a serious offense. On 21 January 1987 the separation authority directed that you be separated with a general discharge, but also directed that you be afforded the opportunity for in-patient alcohol treatment at a Veterans Administration (VA) hospital. On 26 March 1987, you were separated with a general discharge.

In its review of your case, the Board carefully weighed all potentially mitigating factors such as your previous periods of good service, and the length of time that has passed since you were discharged from the Navy. However, the Board found that these factors were not sufficient to warrant recharacterization of your discharge given the civil conviction for DUI and your two NJPs. 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