



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

TRG

Docket No: 1574-99

7 October 1999

[REDACTED]

Dear [REDACTED]

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 5 October 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 that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Marine Corps on 20 March 1979. The record shows that you received nonjudicial punishment on four occasions and were convicted by a summary court-martial. Your offenses were five periods of unauthorized absence totaling about 11 days, multiple absences from your appointed place of duty and disobedience.

Based on the foregoing record, you were processed for an administrative discharge. An administrative discharge board found that you had committed misconduct and recommended discharge under other than honorable conditions. On 26 August 1981 the commanding officer stated, in part, as follows:

... In addition her defense counsel (states) in his letter for clemency ... that (she) sincerely desires to stay in the Marine Corps as she had realized her mistakes in the past If the above were true I probably would have given consideration to her retention in the Marine Corps. Shortly after her

administrative discharge hearing on 7 August 1981, however, (she) was UA from 11 August to 17 August 1981. Prior to imposition of office hours, she again went UA on 22 August 1981 and to date has not returned. (She) definitely has no potential for future service and should e discharged expeditiously.

Prior to discharge you were referred for a psychiatric consultation. The psychiatrist found that you were drug dependent, an alcohol abuser, and that you had an adjustment disorder. He noted that you were in need of treatment, but were not eligible under Navy regulations. You were discharged to duty for completion of discharge processing. On 2 September 1981 the discharge authority directed discharge under other than honorable conditions by reason of misconduct. You were so discharged on 11 September 1981.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth, claim of a good post service adjustment, and your contention that you should have been allowed to complete a rehabilitation program prior to discharge. The Board found that these factors and contentions were not sufficient to warrant recharacterization of your discharge given your record of repeated misconduct. Regulations state that drug and alcohol abuse is not an excuse for misconduct and disciplinary action is appropriate following such misconduct. In addition the regulations do not preclude the issuance of a discharge under other than honorable conditions to individuals diagnosed as being drug and/or alcohol dependent. The Board concluded that the 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