



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

TJR
Docket No: 2032-98
30 June 1999

[REDACTED]

[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 30 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 3 March 1987 at the age of 18. Your record reflects that you served for a year and eight months without disciplinary incident but on 10 November 1988 you received nonjudicial punishment (NJP) for a day of unauthorized absence (UA). The punishment imposed was forfeitures totalling \$25. On 29 December 1989 you received NJP for assault and disorderly conduct. The punishment imposed was extra duty and restriction for 45 days and reduction to paygrade E-3.

Your record contains an administrative remarks (page 13) entry dated 16 February 1990, which noted that you were not amenable to rehabilitation treatment, had terminated treatment, and were unwilling to accept your alcoholism as a disease or modify your alcohol abusive behavior. On 3 March 1990 the Naval Alcohol Rehabilitation Center (NARC) notified your commanding officer of your unsuitability for further service due to your inability or refusal to complete alcohol rehabilitation. On 5 March 1990 you were notified of pending administrative separation action by reason of alcohol rehabilitation failure. At this time you waived your rights to consult with legal counsel and submit a

statement. Subsequently, the commanding officer recommended an honorable discharge by reason of alcohol rehabilitation failure.

The discharge authority approved the foregoing recommendation and directed your commanding officer to issue you a honorable discharge. On 26 March 1990 you were so discharged and assigned an RE-4 reenlistment code.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity, post service conduct, and your contention that you would like your reenlistment code changed now that your alcohol problem no longer exists. The Board also considered your chemical dependency counselor certificate. However, the Board concluded these factors were not sufficient to warrant a change in your reenlistment code given your misconduct and refusal to complete alcohol rehabilitation. Further, an individual separated by reason of alcohol rehabilitation failure must receive an RE-4 reenlistment code. Given all the circumstances in your case, the Board concluded your reenlistment code 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