



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

TAL  
Docket No: 5725-09  
23 April 2010

[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 14 April 2010. 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.

You reenlisted in the Navy on 31 December 1987 after more than six years of honorable service. On 12 December 1988, you were the subject of a drug/alcohol evaluation, and were diagnosed as an alcohol abuser as evidenced by the use of alcohol during periods of stress, boredom and at social activities. It was recommended that you attend the Counseling and Assistance Center (CAAC) Level I and II programs, two Alcoholics Anonymous meetings weekly and take Antabuse daily. On 16 December 1988, you received nonjudicial punishment (NJP) for unauthorized absence (UA) from your unit. On 23 January 1989, you refused to participate in the Level I and II programs and signed a written statement which said in part, that you consented to being administratively separated for alcohol abuse rehabilitation failure. On 23 February 1989, administrative discharge action was initiated to separate you by reason of alcohol abuse rehabilitation failure. You waived your rights to consult counsel or submit a statement. On 28 February 1989, your commanding officer approved and directed that you be separated

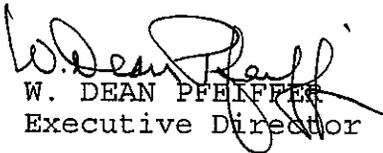
for alcohol abuse rehabilitation failure with a general discharge. At that time you were assigned an RE-4 reenlistment code.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth and overall record of service. Nevertheless, the Board found that these factors were not sufficient to warrant recharacterization of your discharge given your NJP and failure to participate in your command's rehabilitation program. Finally, an RE-4 reenlistment code must be assigned to all Sailors discharged due to alcohol abuse rehabilitation failure. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

The Board noted that you may be entitled to Department of Veterans Affairs (DVA) benefits based on your prior honorable service. However, your eligibility is a matter under the cognizance of the DVA. In this regard, you should contact the nearest DVA office concerning your rights, specifically, whether or not you are eligible for benefits based on these periods of service.

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