



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

WMP  
Docket No: 0129-02  
9 May 2002

[REDACTED]

[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 8 May 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.

You enlisted in the Naval Reserves on 22 November 1993 as a SR (E-1) for 36 months of active duty at age 19. Your record reflects that you served without incident until 25 May 1994, when you received non-judicial punishment (NJP) for drunken or reckless driving. The punishment imposed was reduction in rate to AA (E-2), which was suspended for six months, forfeiture of \$348 per month for two months, and 30 days of extra duty.

As a result of the NJP of 25 May 1994, you were afforded in-patient alcohol rehabilitation treatment at the Navy Alcohol Rehabilitation Center in Jacksonville FL, which you completed on 2 September 1994. On 1 September 1994 you acknowledged the following:

"Should you fail to complete all aspects of your aftercare

program or if you are involved in a subsequent alcohol related incident, per OPNAVINST 5350.4B and NAVMILPERSMAN 3630550, it is recommended that you be processed for administrative separation from the Navy."

You participated without incident in your aftercare program, which you completed on 28 August 1995.

Your record reflects you served without incident until you were interviewed by the Mental Health Department at Naval Hospital, Roosevelt Roads, PR after you voiced vague suicidal ideations with one of your co-workers. During this interview, you indicated that you had previously received alcohol treatment while on active duty, but had begun drinking again. At the conclusion of this interview, you agreed to obtain an AA sponsor, attend weekly AA meetings, obtain a "big book" from AA or CAAC personnel, and review the instructions and guidelines contained in the "big book" and begin practicing them.

On 22 January 1996, you were interviewed by your division officer to determine your progress concerning your alcohol rehabilitation, as previously discussed. During this interview you admitted that you had failed to adhere to the agreement concerning your treatment. You freely admitted you had not obtained an AA sponsor, that you had only attended one AA meeting and that you had not obtained a "big book". Additionally, your leading petty officer said that on one occasion since the last meeting, you drank alcohol beverages at his home. Based on this information, a recommendation for separation for alcohol rehabilitation failure was provided by the mental health department to your commanding officer.

On 4 March 1996, you were notified of the proposed separation action by reason of alcohol rehabilitation failure. You were advised of your procedural rights concerning this matter and elected to retain your right to counsel, and retained all of your rights concerning the proposed separation. On 20 February 1996, you provided a written statement concerning this matter, which stated, in part that:

"I feel that I have not deviated from, or have failed to meet the restrictions/conditions as required by Level III Aftercare Program. My Aftercare Program was successfully

completed on 28 Aug 95, as verified by ref (a), the Exit memo being released and signed by my previous Commanding Officer, ... I have not let the use of alcohol interfere with the safe and efficient performance of my military duties, nor have I allowed it to reflect any discredit upon myself or to the Department of the Navy."

On 11 March 1996, your proposed separation was approved by the commanding officer, acting as the general court-martial authority and you were honorably discharged on 5 April 1996 by the reason of alcohol rehabilitation failure and assigned an RE-4 reenlistment code.

In its review of your application the Board carefully weighed all potentially mitigating factors such as your age and your contention that you acted foolishly. However, assignment of a RE-4 reenlistment code is required by regulation when an individual is discharged for alcohol 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 did not consider whether your reason for separation, alcohol abuse rehabilitation failure, should be changed. In this regard, you did not request such a change, and have not exhausted your administrative remedies by applying to the Naval Discharge Review Board (NDRB). The enclosed DD Form 293 may be used to apply to NDRB.

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