



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

SJN
Docket No: 11168-07
6 February 2008

[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 29 January 2008. 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 enlisted in the Navy on 4 October 1985 at age 21. On 17 December 1986, you received nonjudicial punishment (NJP) for destruction of government property. On 19 March 1987 you were convicted by civil authorities of reckless driving under the influence of alcohol.

On 27 February 1990, you were evaluated by the Counseling and Assistance Center (CAAC) due to your supervisor's concern about your alcohol consumption. The report stated, in part, that you were a possible alcohol abuser due to two previous alcohol related incidents. The report further stated that there were other undocumented situations which were alcohol related as well. It was recommended that you be separated from the service due to incurring three alcohol related incidents or, if retained, attend a Level II treatment program for alcohol.

On 22 March 1990, administrative discharge action was initiated to separate you by reason of alcohol abuse rehabilitation failure due to your refusal to participate in formal treatment. You waived your rights to consult counsel, submit a statement or have

your case heard by an administrative discharge board (ADB). On 27 March 1990, your commanding officer forwarded his recommendation that you be honorably discharged due to alcohol rehabilitation failure. He stated, in part, that you had expressed your disagreement with the rehabilitation treatment program, denied you had a problem, and had refused to participate in Level II, which rendered you unsuitable for continued service. On 4 April 1990 you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth, overall record of service, and contention that you never were directed to attend or be a part of an alcohol rehabilitation program. Nevertheless, the Board concluded these factors and contention were not sufficient to warrant a change to the reason you were discharged due to your NJP and your failure to adhere to your command's rehabilitation program. With regard to your contention, the record shows that on 14 March 1990, you signed an administrative remarks form (NAVPERS 1070/613) acknowledging the fact that you were directed to attend a Level II rehabilitation treatment program for alcohol abusers to remain eligible for naval service. 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