



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

SJN
Docket No: 03745-08
20 February 2009



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 18 February 2009. 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 and began a period of active duty on 7 October 1999 at age 19. On 9 March and 13 December 2000, you received nonjudicial punishment (NJP) for underage drinking, disobedience, drunkenness, and absence from your appointed place of duty. Additionally, you were counseled and warned that further misconduct could result in administrative discharge action.

Based on the information currently contained in your record it appears you were offered the opportunity, but refused to complete, a mandatory alcohol rehabilitation program. Subsequently, on 20 December 2000, administrative discharge action was initiated to separate you by reason of alcohol rehabilitation failure. You waived your rights to consult counsel, submit a statement or have your case heard by an administrative discharge board. You elected only to obtain copies of documents supporting the basis for separation. Your commanding officer recommended separation with a general discharge by reason of alcohol rehabilitation failure. He stated, in part, that you were unsuitable for continued service

based on your lack of desire to conform to the regulation requirements and standards of the Navy. You were so discharged on 11 January 2001. At that time, you were assigned an RE-4 reenlistment code. In this regard, an RE-4 reenlistment code is required when an individual is separated due to alcohol rehabilitation failure.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth, overall record of service, the character letter accompanying your application, and post service accomplishments. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge or a change in the reenlistment code given your record of two NJP's involving alcohol and failure to adhere to your command's rehabilitation program. 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 PFIEFFER
Executive Director