



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

SMS
Docket No: 3849-08
26 January 2009

[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 23 January 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.

On 4 June 2003, you enlisted in the Navy at age 19. On 21 July 2004, you had nonjudicial punishment for willful disobedience of a lawful order, drunk and disorderly conduct, and assault consummated by battery. You subsequently began treatment for alcohol dependency, but were found unsuitable for further service because you were found drinking alcohol in your room.

On 22 October 2004, your commanding officer initiated administrative separation by reason of convenience of the government because of alcohol rehabilitation failure and misconduct due to commission of a serious offense, and recommended a general characterization of service. In connection with this processing, you acknowledged the separation action. On 28 October 2004, you received a performance evaluation in which you were not recommended for retention. On 12 November 2004, the separation authority

approved the discharge recommendation and directed a general discharge by reason of convenience of the government because of alcohol rehabilitation failure. On 22 November 2004, 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 potential mitigation, such as your youth and desire for a better discharge and reenlistment code. Nevertheless, the Board found that these factors were not sufficient to warrant changing the reason for separation, reenlistment code or recharacterization of your service due to your misconduct and alcohol rehabilitation failure. In this regard, regulations direct assignment of an RE-4 reenlistment code to members who are discharged because of alcohol rehabilitation failure and characterization of service for such a discharge is determined by a member's overall service record. Given your misconduct, the Board found that your service warranted a general characterization of service. Therefore, the Board concluded that the discharge 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