



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

SMS
Docket No: 5555-08
20 February 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 19 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.

On 31 January 2002, you reenlisted in the Navy at age 21. On 7 October 2004, you had nonjudicial punishment (NJP) for driving under the influence of alcohol. You were also counseled regarding deficiencies in your performance and conduct and warned that further infractions could result in disciplinary action or an other than honorable discharge. On 18 January 2005, suspended punishment was vacated from the NJP. On 4 March 2005, you had NJP for a brief instance of unauthorized absence.

On 19 July 2006, your commanding officer initiated administrative separation by reason of convenience of the government due to alcohol rehabilitation failure and by reason of misconduct due to a pattern of misconduct. In connection with this processing, you acknowledged that separation could result in a general discharge and waived the right to have your case heard by an administrative discharge board. On

26 July 2006, the separation authority approved the discharge recommendation and directed an honorable discharge by reason of convenience of the government due to alcohol rehabilitation failure. On 9 August 2006, you were so discharged and assigned an RE-4 reenlistment code.

Regulations direct the assignment of an RE-4 reenlistment code to members who are discharged due to alcohol rehabilitation failure. Since you have been treated no differently than others in your situation, the Board could not find an error or injustice in the assignment of the RE-4 reenlistment code. 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