



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

TJR  
Docket No: 7494-08  
12 June 2009

Dear [REDACTED]:

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, 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 9 June 2009. The names and votes of the members of the panel will be furnished upon request. 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 13 October 2000 at age 30 and began a period of active duty on 14 November 2000. Your record reflects that you served without disciplinary infraction for three years. Nonetheless, the record reflects that in March 2003, after being diagnosed with alcohol dependency, you were enrolled in a Level III inpatient alcohol rehabilitation program, which included a continual aftercare regimen. Your record also reflects that during the period from 10 November to 17 December 2003 you were in an 11 day period of unauthorized absence (UA) that was not terminated until you were apprehended by civil authorities, convicted by civil authorities of driving under the influence of alcohol, and received nonjudicial punishment (NJP) for a seven day period UA and an unknown offense.

As a result of another alcohol related incident on 6 November 2003, on 21 January 2004, you were again convicted by civil authorities of driving under the influence of alcohol. It appears that you were again actively participating in another Level III rehabilitation program and as a result, in October 2004, you were recommended for completion of continuing aftercare.

In March 2005 your commanding officer recommended you be processed for an administrative separation by reason of alcohol rehabilitation failure as evidenced by your two civil convictions for driving under the influence of alcohol while enrolled in a Level III rehabilitation aftercare program. This recommendation further stated that you were not recommended for retention or reenlistment due to your failure of Level III rehabilitation. Subsequently, you were processed for separation by reason of alcohol rehabilitation failure due to failure of the Level III rehabilitation aftercare program regimen. The discharge authority directed your commanding officer to issue you a general discharge by reason of alcohol rehabilitation failure and on 24 March 2006 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 potentially mitigating factors, such as your desire to change your narrative reason for separation and reenlistment code. It also considered your assertion that you had completed an alcohol rehabilitation program. Nevertheless, the Board concluded these factors were not sufficient to warrant a change in your narrative reason for separation or reenlistment code. Further, the Board concluded that your alcohol related misconduct was sufficient to support your rehabilitation failure. Accordingly, your application has been denied.

The Board also noted that you are entitled to submit the attached Application for the Review of Discharge or Dismissal from the Armed Forces of the United States (DD Form 293) to the Naval Council of Personnel Boards, attention: Naval Discharge Review Board, 720 Kennon Street, S. E., Room 309, Washington Navy Yard, Washington, DC 20374-5023 for consideration of an upgrade of your discharge and a change in your narrative reason for discharge.

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

Enclosure