



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

TJR  
Docket No: 8000-08  
12 June 2009

[REDACTED]

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 10 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 30 January 1998 at age 18 and began a period of active duty on 22 July 1998. Your record reflects that during the period from 4 November 1998 to 14 February 2001 you received nonjudicial punishment (NJP) on three occasions for two specifications of assault, failure to obey a lawful order, and insubordination. The record reflects that you were also enrolled in an alcohol rehabilitation program.

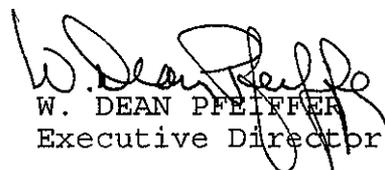
On 1 July 2002 you reenlisted in the Navy and served for nearly two years without incident. Nonetheless, after your self-referral for alcohol abuse treatment, you were diagnosed with alcohol dependency and underwent treatment during the period from 6 August to 20 October 2004. Subsequently, you were assigned to out patient care and an aftercare regimen.

On 6 October 2005 you received NJP for failure to obey a lawful order, drunkenness, and reckless driving. On 21 October 2005 you were notified of pending administrative separation action by reason of misconduct due to commission of a serious offense and convenience of the government due to alcohol rehabilitation failure. After consulting with legal counsel, you elected to present your case to an administrative discharge board (ADB). On 22 November 2005 an ADB recommended discharge under honorable conditions by reason of convenience of the government due to alcohol rehabilitation failure. However, the ADB also recommended that the discharge be suspended for 12 months. Your commanding, in concurrence with the ADB, also recommended you be issued a general discharge, but did not concur with the recommendation for suspension. On 20 January 2006 the discharge authority approved the recommendations for separation and directed your commanding officer to issue you a general discharge by reason of alcohol rehabilitation failure. On 2 February 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 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 reenlistment code. Further, the Board concluded that your alcohol related misconduct was sufficient to support your rehabilitation failure and an RE-4 reenlistment code. Accordingly, your application has been denied.

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