



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

TJR
Docket No: 8080-08
14 July 2009

[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 7 July 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 22 November 2005 at age 18 and served without disciplinary incident. However, your record reflects that on 16 November 2006 you were in violation of the Navy's alcohol and drug awareness policy after admitting to consuming alcoholic beverages while being underage.

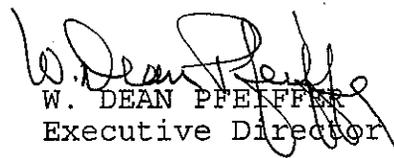
On 1 January 2007 you were apprehended by civil authorities on charges of domestic violence and issued a 'no contact order' which did not expire until 17 April 2007. On 16 February 2007 you were suspected of underage drinking and as a result were escorted to and ordered to remain in your barracks.

On 27 February 2007 you were notified of pending administrative separation action by reason of convenience of the government due to alcohol rehabilitation failure. At that time you waived your right to consult with legal counsel and to submit a statement in rebuttal to the discharge. Your commanding officer recommended you be issued a general discharge due to alcohol rehabilitation failure. However, on 8 March 2007, the discharge authority directed your commanding officer to issue you an honorable discharge by reason of convenience of the government due to alcohol rehabilitation failure. On 16 March 2007 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 youth and desire to change your reenlistment code. It also considered your assertion that you were improperly discharged and the letter of explanation submitted in support of your case. Nevertheless, the Board concluded these factors were not sufficient to warrant a change of your reenlistment code. Further, the Board concluded that your rehabilitation failure was sufficient to support the assignment of an RE-4 reenlistment code. Finally, there is no evidence in the record and you submitted none, to support your assertion of being improperly discharged. 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