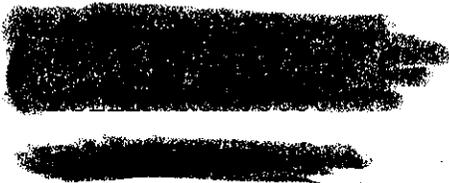




DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

SJN
Docket No: 09377-08
7 August 2009



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 4 August 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.

You enlisted in the Navy and began a period of active duty on 7 August 2003 at age 18. On 2 December 2004, you received nonjudicial punishment (NJP) for underage drinking. You received restriction and extra duty. Additionally, you were counseled and warned that further misconduct could result in administrative discharge action.

On 14 January 2005, you were screened, but did not meet the criteria for alcohol dependence. However, you were referred to an Alcohol Impact program, which you completed on 10 March 2005. On 15 May 2005, you had a second alcohol related incident by drinking underage, and on 27 July 2005, you received a second NJP for 40 hours of unauthorized absence (UA), and disobedience, by not refraining from drinking alcohol while underage. On 5 October 2005, you were screened and recommended for Level I alcohol rehabilitation treatment, which you completed on 17 October 2005. Unfortunately, on 26 December 2005, you had a

third alcohol related incident involving underage drinking, public intoxication, and drunk and disorderly conduct. On 18 January 2006, you received a third NJP for a brief period of UA, disobedience, and dereliction of duty.

On 13 February 2006, administrative discharge action was initiated to separate you by reason of misconduct, pattern of misconduct, and alcohol abuse rehabilitation failure. On 3 March 2006, your commanding officer directed your separation, and on 27 July 2006, you received a general discharge.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth, overall record of service, and post service accomplishments. Nevertheless, the Board concluded these factors were not sufficient to warrant a change in your reenlistment code because of the three NJP's for underage drinking and your failure to adhere to your command's alcohol abuse rehabilitation program. In this regard, an RE-4 reenlistment code is required when an individual is discharged for alcohol abuse rehabilitation failure. 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, 1


W. DEAN PFEIFFER
Executive Director