



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

SJN
Docket No: 10096-08
24 August 2009

[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 18 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 19 April 2006 at age 18. On 19 January and 13 August 2007, you received nonjudicial punishment (NJP) for two instances of underage drinking and driving under the influence of alcohol.

On 16 August 2007, administrative discharge action was initiated to separate you by reason of alcohol rehabilitation failure. You elected to only to obtain copies of documents that were forwarded to the separation authority supporting the basis for your separation.

On 27 August 2007, your commanding officer directed your separation. He stated, in part, that after completing an extensive in-patient Alcohol Rehabilitation Treatment Program, you were involved in an alcohol-related incident. Further, he stated that alcohol was the primary contributing factor in the commission of that offense and because that incident was

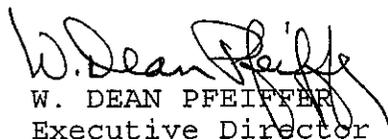
subsequent to treatment precipitated by a pervious alcohol-related incident, you were deemed an alcohol rehabilitation failure. You were honorably discharged and assigned an RE-4 reenlistment code.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth and overall record of service. Nevertheless, the Board concluded these factors were not sufficient to warrant a change in the reenlistment code, which was based on your problems with alcohol.

In this regard, an RE-4 reenlistment code is required when an individual is discharged due to alcohol 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,


W. DEAN PFEIFFER
Executive Director