



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX
WASHINGTON DC 20370-5100

TRG
Docket No: 10714-08
29 April 2009

[REDACTED]

[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 31 March 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 that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You reenlisted in the Navy on 5 April 1989 for four years. On 30 November 1990 you received nonjudicial punishment for an unauthorized absence of about 11 days. The punishment imposed included a reduction in rate and forfeitures of pay which were suspended. You were hospitalized on 23 May 1991 and were discharged from the hospital on 3 June 1991 with diagnoses of alcohol dependence, schizoid personality disorder and hypertension. You were recommended for level III alcohol rehabilitation treatment.

On 16 October 1991 your commanding officer recommended separation by reason of alcohol rehabilitation failure because you had refused treatment. It was noted that you were standing by your decision to accept severance pay and were aware that you would lose your retirement benefits. Subsequently, the separation authority approved discharge but directed that you be given another opportunity to stay on active duty to qualify for retirement. In a 17 December 1991 message your commanding officer stated that you did not desire to stay on active duty to qualify for retirement. Consequently, discharge was directed. You were honorably discharged on 6 January 1992 with 19 years, 5 months and 13 days of active service and were assigned an RE-4 reenlistment code. At that time, you were paid separation pay of

\$20,725.34.

In your application, you are requesting that the reason for your discharge be changed. You state, in effect, that you were not an alcoholic and the diagnosis was made in large part because you were refusing treatment. You believe that your problems were caused by a nervous breakdown and that you should have received treatment for your mental condition and if discharge was warranted it should have been for medical reasons.

In reaching its decision, the Board noted that there was never a finding that you were incompetent to make decisions and that you were given every opportunity to remain on active duty to qualify for retirement but refused. Regulations stated that refusal of alcohol rehabilitation was to be considered an alcohol rehabilitation failure. The Board concluded that you were properly discharged for that reason.

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