



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

CRS
Docket No: 2458-08
29 September 2008

[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, as amended, in which you requested that you be assigned a more favorable reentry code.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 20 August 2008. 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.

The Board found that you enlisted in the Navy on 6 September 1990. On 10 September 1990, you were counseled concerning your fraudulent entry into the naval service by concealing your history of drug abuse and "civil involvement". On 25 March 1992 you received nonjudicial punishment for stealing a Department of Defense (DOD) decal. In a counseling entry dated 2 April 1992 you were advised of the probable consequences of any further misconduct. On 19 May 1993 you were given diagnoses of alcohol dependence and a dependant personality disorder. Provisional diagnoses of panic disorder and agoraphobia were added on 14 August 1993. On 23 August 1993, you told a psychiatrist that you had started to drink again. The psychiatrist found that although you were not a suicidal risk at that time, you might present a threat of harm to yourself if returned to sea duty. The psychiatrist concluded that you were an alcohol abuse rehabilitation failure, and recommended that you be expeditiously discharged on that basis.

On 6 October 2006 an administrative discharge board (ADB) recommended that you be separated from the Navy with a general discharge by reason of misconduct/commission of a serious offense


based on the theft of the DOD decal, and for alcohol abuse rehabilitation failure. On 20 October 1993 you were discharged in accordance with the approved findings and recommendation of the ADB. You were assigned a reentry code of RE-4.

On 3 November 1993 the Bureau of Naval Personnel informed your command that you did not qualify for discharge by reason of misconduct/commission of a serious offense, since you did not violate your prior counseling entry, and that a return to drinking without an alcohol related incident did not constitute alcohol abuse rehabilitation failure. On 14 December 2006 the Naval Discharge Review Board (NDRB) upgraded your discharge to honorable and changed its basis to Secretarial Authority, based on its determination that the evidence of record did not support your separation by reason of misconduct or alcohol abuse rehabilitation failure, and that although you might have been discharged properly for the convenience of the government due to your personality disorder, you were not processed for discharge on that basis.

The Board noted that applicable regulations permit the assignment of reentry code of RE-4 when a service member is discharged by reason of Secretarial Authority. The Board concluded that a reentry code of RE-4 is appropriate in your case, given your long history of drug and alcohol abuse, personality disorder, return to drinking and failure to comply with your aftercare plan, the misconduct for which you received nonjudicial punishment on 25 March 1992, the possible threat of self-harm you posed if returned to sea duty, and your demonstrated inability to tolerate sea duty. 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