



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

CRS
Docket No: 739-09
13 March 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 25 February 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.

The Board found that you reenlisted in the Navy on 27 September 2002. You were convicted by civil authorities of drunkenness on 2 May 2003, and disturbing the peace on 8 May 2003. You underwent psychological evaluation on 3 June 2002, and were given diagnoses of alcohol dependence and a personality disorder. On 3 July 2003, you were released from an alcohol abuse rehabilitation program for failing to abide by the program's regulations. On 9 September 2003 you received nonjudicial punishment for an unauthorized absence of 27 days duration. The punishment consisted of an oral reprimand and restriction for 60 days, which was suspended for six months. You absented yourself without authority on 22 September 2003 and were declared a deserter the following day. You returned to military control on 4 November 2003.

On 17 November 2003 your commanding officer recommended that you be separated from the Navy with a discharge under other than honorable conditions by reason of misconduct/commission of a serious offense and civil conviction, as well as for alcohol abuse rehabilitation failure. After being informed of the recommendation for separation, you waived the right to present your case to an administrative discharge board. You were

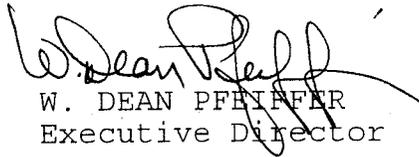
discharged by reason of misconduct/commission of a serious offense on 19 December 2003 with a discharge under other than honorable conditions and assigned a reentry code of RE-4.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your overall record of service and your command's alleged indifference to your problems. The Board concluded that those factors were insufficient to warrant the upgrade of your discharge in view of your extensive disciplinary record.

Applicable regulations require the assignment of an RE-4 reentry code when a Sailor is discharged by reason of misconduct. Since you have been treated no differently than others in your situation, the Board could not find an error or injustice in the assignment of your reentry code. 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