



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

SJN
Docket No: 04436-09
19 April 2010

[REDACTED]

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This is in reference to your application for correction of your naval record pursuant to the provisions of title 10, 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 13 April 2010. 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.

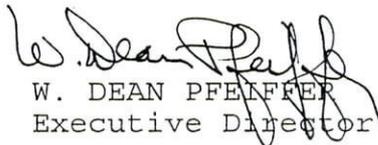
You enlisted in the Navy and began a period of active duty on 31 July 2001 at age 18. On 23 July 2002, you received nonjudicial punishment (NJP) for underage drinking. You were referred to a Drug and Alcohol Program and successfully completed it on 1 August 2002. You were counseled with regard to underage drinking, and warned that further misconduct could result in administrative discharge action. On 25 October 2002, you were arrested by civil authorities for operating a motor vehicle while under the influence of alcohol and possession of alcohol. On 16 November 2002, administrative discharge action was initiated to separate you by reason of alcohol abuse rehabilitation failure. Your commanding officer directed that you be separated from the naval service, and on 26 November 2002, you received a general discharge by reason of alcohol abuse rehabilitation failure.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth, record of service, post-service accomplishments, and character letters. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge given

your NJP, failure to adhere to your command's rehabilitation program, and arrest by civil authorities for alcohol-related offenses. 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