



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

TJR
Docket No: 6828-09
4 June 2010

[REDACTED]

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 3 June 2010. The names and votes of the members of the panel will be furnished upon request. 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 on 3 June 1987 at age 19. You served for two years without disciplinary incident, but during the period from 17 August to 1 December 1989, you received nonjudicial punishment (NJP) on three occasions for disrespect, drunk and disorderly conduct, grabbing a female's buttocks, three periods of absence from your appointed place of duty, and two specifications of failure to obey a lawful order.

On 1 January 1990 you were referred for an evaluation due to alcohol abuse and assigned to a Level III rehabilitation program. You completed the program on 12 February 1990 and were assigned to aftercare treatment.

Subsequently, you were notified of pending administrative separation action by reason of convenience of the government due to alcohol rehabilitation failure and misconduct due to a pattern of misconduct. Your commanding officer recommended discharge

under honorable conditions by reason of convenience of the government due to alcohol rehabilitation failure and misconduct due to a pattern of misconduct. This recommendation also stated, in part, that a general discharge was recommended because the nature of your misconduct did not warrant an other than honorable characterization of service. The discharge authority approved this recommendation and directed your commanding officer to issue you a general discharge by reason of alcohol abuse rehabilitation failure, and on 7 September 1990, you were so discharged. At that time you were assigned an RE-4 reenlistment code.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth, post service conduct, and desire to change your reenlistment code so that you may reenlist. Nevertheless, the Board concluded these factors were not sufficient to warrant a change in your record because of the seriousness of your alcohol related misconduct, which resulted in three NJPs. Accordingly, your application has been denied.

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