



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

TAL
Docket No: 8975-09
11 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 9 June 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.

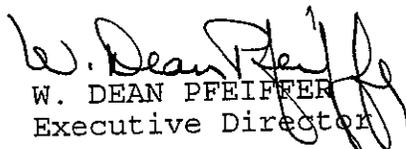
After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Navy and began a period of active duty on 24 February 2004 at age 23. You received nonjudicial punishment (NJP) on two occasions for failure to obey a lawful order, drunk and disorderly conduct, incapacitation in the performance of duties, and drunken operation of a vehicle. On 24 January 2005, you were convicted by civil court for reckless driving and sentenced to pay a fine of \$150 and \$66 court cost. You were counseled twice regarding your misconduct and warned that further offenses could result in administrative separation. Based on the information currently contained in your record it appears that you were subsequently involuntarily processed for an administrative separation. It also appears that you failed to complete formal alcohol rehabilitation. In connection with this processing, you would have acknowledged the separation action and the discharge authority would have approved a recommendation for separation. The record clearly shows that on 17 August 2007, you were separated with a general discharge due to alcohol rehabilitation failure. At that time you were assigned an RE-4 reenlistment code, which means that you were neither recommended nor eligible.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth and overall record of service. Nevertheless, the Board found that these factors were not sufficient to warrant recharacterization of your discharge given your two NJPs, civil conviction and failure to complete your command's alcohol rehabilitation program. Finally, an RE-4 reenlistment code must be assigned to all Sailors discharged due to alcohol rehabilitation failure. 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