



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

Docket No: 10568-09  
12 July 2010

From: Chairman, Board for Correction of Naval Records  
To: Secretary of the Navy

Subj: REVIEW OF NAVAL OF RECORD [REDACTED]  
[REDACTED]

Ref: (a) 10 U.S.C. 1552

Encl: (1) DD Form 149 with attachments  
(2) Case summary  
(3) Subject's naval record

1. Pursuant to the provisions of reference (a), Petitioner, a former enlisted member of the United States Navy, filed enclosure (1) with this Board requesting, in effect, that his RE-4 reenlistment code be changed.

2. The Board, consisting of Ms. [REDACTED], Mr. [REDACTED], and Mr. [REDACTED] reviewed Petitioner's allegations of error and injustice on 8 July 2010 and, pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. Although it appears that enclosure (1) was not filed in a timely manner, it is in the interest of justice to waive the statute of limitations and review the application on its merits.

c. Petitioner enlisted in the Navy on 23 October 2001, at the age of 18. On 10 September 2002, he received nonjudicial punishment (NJP) for failing to obey a lawful order (underage drinking). He was screened for Intensive Outpatient Treatment for abuse of alcohol in September 2002. In December 2002, he attended treatment but was discharged from the program as a failure on the second to last day for the following reasons: He arrived five minutes late to a workshop, and he missed an afternoon physical training session, for which he arrived early, could not find the mustering petty officer, and proceeded to conduct exercises on his own. He was then deployed in support of Operation Iraqi Freedom and upon his return was reenrolled in the program. In October 2003, while attending the program, he received three "strikes" for the following reasons: He misunderstood his nightly journal assignment, he attended a mandatory barbeque, which was held on a Saturday, in windy and rainy conditions, but only stayed 20 minutes, and he lost his homework folder. This resulted in an alcohol rehabilitation failure. On 28 June 2004, his commanding officer requested a waiver with a very strong endorsement to the Bureau of Naval Personnel (BUPERS) for him to remain on active duty. However, BUPERS denied the request.

d. At the time of his discharge his commanding officer (CO) rated him with an early promote 4.0 evaluation and recommended him for retention based on his performance. His CO noted that he was the epitome of a hard working, dedicated Sailor, that he was the driving force in establishing a sound divisional training program and he was the motivator for juniors and seniors in accomplishing any task.

#### CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner's request warrants favorable action. The Board notes his honorable intentions and patriotism to his country and bases its recommendation on his loyalty, and desire, to serve his country. The Board also notes that he was deemed an alcohol rehabilitation failure for very minor infractions not involving the abuse of alcohol. Accordingly, the Board concludes that, as a matter of equity, relief in the form of upgrading his reenlistment code from an RE-4 to an RE-1, changing the separation authority to the Military Personnel

Manual (MILPERSMAN) 1910-164, changing his separation code from JPD to JFF, and changing the narrative reason for separation to secretarial authority.

In view of the foregoing, the Board finds the existence of an injustice warranting the following corrective action.

RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that he was honorably discharged on 25 October 2004 with a new DD-214 issued with block 25 changed to MILPERSMAN 1910-164, block 26 be changed to JFF, block 27 be changed to RE-1, and that block 28 be changed to secretarial authority.

b. That any material or entries inconsistent with or relating to the Board's recommendation be corrected, removed, or completely expunged from Petitioner's record and that no such entries or material be added to the record in the future.

c. That any material directed to be removed from Petitioner's naval record be returned to the Board, together with a copy of this Report of Proceedings, for retention in a confidential file maintained for such purpose, with no cross reference being made a part of Petitioner's naval record.

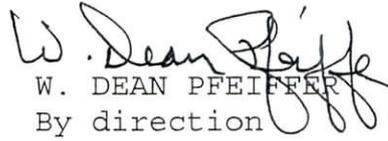
4. Pursuant to Section 6(c) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(c) it is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN  
Recorder

  
BRIAN J. GEORGE  
Acting Recorder

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulation, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing

corrective action, taken under the authority of reference  
(a), has been approved by the Board on behalf of the  
Secretary of the Navy.

  
W. DEAN PFEIFFER  
By direction