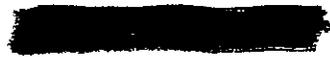




DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

BAN
Docket No: 12735-09
23 August 2010



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 19 August 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.

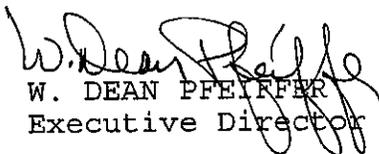
After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You had prior honorable service with one nonjudicial punishment (NJP) for the possession of alcohol in the barracks. You reenlisted in the Navy on 21 March 2003, and served without disciplinary incident until 30 June 2005, when you received NJP of being disrespectful to a chief petty officer, two specifications of disorderly conduct and obstructing justice. In addition, in October 2006, you were convicted by civil authorities of driving under the influence of alcohol. You were offered and accepted alcohol rehabilitation treatment. You were recommended for separation with an honorable discharge due to alcohol rehabilitation failure (having three alcohol-related incidents within your naval career). You waived your rights to consult with counsel, and request an administrative discharge board (ADB). The separation authority approved the recommendation and on 14 June 2007, you were separated with an honorable discharge and 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 and desire to change your reenlistment code. Nevertheless, the Board concluded these factors were not sufficient to warrant a change to your reenlistment code due to your alcohol rehabilitation failure and misconduct. 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