



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

TJR
Docket No: 12880-09
1 October 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 21 September 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 29 July 1999 at age 18 and began a period of active duty on 22 February 2000. You served without disciplinary incident until 19 April 2001, when you received nonjudicial punishment (NJP) for absence from your appointed place of duty, failure to obey a lawful order by underage drinking, and wrongfully consuming alcoholic beverages.

On 18 April 2006, after being diagnosed as alcohol dependent, you were assessed for participation in an in-patient substance abuse rehabilitation program. However, on 14 June 2006, you were discharged from the program as nonamenable due to your noncompliance in treatment. About a month later, on 11 July 2006, you were disqualified for submarine duty due to the foregoing alcohol abuse rehabilitation failure. Shortly thereafter, on 13 July 2006, you were notified of pending administrative separation action due to alcohol abuse rehabilitation failure as evidenced by your refusal to comply. After consulting with legal counsel you did not object to the administrative separation. On 26 July 2006, after undergoing a

medical evaluation prior to your pending separation, you were diagnosed with a bi-polar disorder and alcohol dependence. Your commanding officer recommended an honorable discharge, but stated that you were not recommended for reenlistment due to your failure to comply with a substance abuse rehabilitation program. Subsequently, the discharge authority directed your commanding officer to issue you an honorable discharge by reason of convenience of the government due to alcohol abuse rehabilitation failure as evidenced by your nonamenability and refusal to comply. As a result of this action, on 31 July 2006, you were so discharged and 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. It also considered your assertion that you were unjustly dismissed from a rehabilitation program as a result of a heated verbal altercation. Nevertheless, the Board concluded these factors were not sufficient to warrant a change of your reenlistment code because of your rehabilitation failure and nonrecommendation for reenlistment because of your refusal to comply with requirements of a rehabilitation program. Further, you were given an opportunity to defend yourself but waived your procedural right and did not object to the separation. Finally, there is no evidence in the record, and you submitted none, to support your assertion. 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