



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

SJN  
Docket No: 00189-10  
19 January 2010

[REDACTED]

[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 12 January 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.

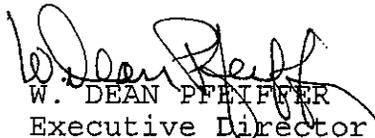
You enlisted in the Navy and began a period of active duty on 28 August 2001 at age 18. On 26 November 2002, you were admitted to a Navy hospital addiction clinic for alcohol abuse treatment. On 5 December 2002, you were discharged from the program due to your failure to complete the program due to multiple violations of the regulations, including consuming alcohol while enrolled. Your overall progress in treatment was determined to be poor. On 7 February 2003, you received nonjudicial punishment (NJP) for underage drinking and disorderly conduct. You received a forfeiture of pay, reduction in paygrade, restriction, and extra duty. Based on the information currently contained in your record it appears administrative discharge action was initiated to separate you by reason of alcohol abuse rehabilitation failure. You waived your rights to consult counsel, submit a statement or have your case heard by an administrative board (ADB). You received a general discharged on 7 February 2003 based on your conduct and proficiency marks.

Characterization of service is based in part on conduct and proficiency averages computed from marks assigned on a periodic basis. Your conduct average was 1.5. At the time of your service, a conduct average of 2.5 was required for a fully honorable characterization of service.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your record of service, and the fact that you are presently participating in intensive outpatient substance abuse treatment program. Nevertheless, the Board concluded these factors were not sufficient to warrant a change in your characterization of service given your NJP and failure to adhere to your command's rehabilitation program. Additionally, the Board noted that you waived your right to an ADB, your best opportunity for retention or a better characterization of service. 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