



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

REC
Docket No: 00546-10
30 September 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 29 September 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. In this regard, the Board substantially concurred with the comments contained in the advisory opinion.

You enlisted in the Navy Reserve on 17 January 1989, and began a period of active duty on 7 February 1989, at age 19. You served honorably until 26 February 1992, when you were counseled concerning your disorderly conduct as evidenced by loud and unruly behavior. On 29 October 1992, you received nonjudicial punishment (NJP) for assaulting a female Sailor. On 8 January 1993, you submitted a statement concerning your letter of reprimand you received from your NJP and stated "I will never allow anything to jeopardize my future in the military." However, you did not deny committing the offense and your appeal was disapproved. On 4 October 2005, you were referred by your command, to the Substance Abuse Rehabilitation Program (SARP). Apparently, you were diagnosed as alcohol dependent in May 2005 by the SARP representative in Portsmouth, Virginia, and it was recommended that you follow a strict after care plan, 90 alcoholics anonymous meetings, random breathalyzer and follow-up with the SARP coordinator at the Naval Hospital Corpus Christi, Texas. During the visit it was determined that you were an alcohol rehabilitation failure, however, at that time your

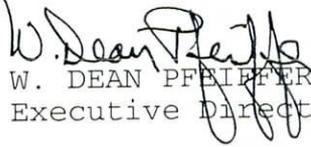
command chose not to process you for discharge. You apparently had a relapse in August 2006, and were detained for public intoxication by civilian authorities and returned to the military. You received a waiver at that time to remain in the Navy and completed Level III Treatment (Inpatient Treatment) for alcohol dependence. However, the SARP at Corpus Christi Hospital and your command Drug and Alcohol Program Assistant (DAPA) determined that you were an alcohol rehabilitation failure and it was recommended that you be separated for not complying with the recommended treatment. It was documented on your performance evaluation from 16 November 2006 through 15 November 2007, that you had proven to be unreliable and lacked control in your consumption of alcohol, which resulted in you not being recommended for retention in the Navy. On 20 December 2007, you received NJP for two instances of failure to go to your appointed place of duty, and being intoxicated on duty. On 7 January 2008, you were notified that administrative discharge procedures were initiated and that you would receive a reenlistment code of RE-4 for alcohol rehabilitation failure upon your separation. On 27 February 2008, your case was heard by an administrative discharge board (ADB), which voted three to zero in favor of separation by reason of alcohol rehabilitation failure with an honorable discharge. Your commanding officer concurred with the ADB's recommendation, and forwarded his recommendation that you be separated with an honorable discharge by reason of alcohol rehabilitation failure. The discharge authority directed the discharge. You were so discharged on 25 July 2008.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your honorable service to the Navy, and alcohol abuse problems. However, the Board found that these factors were not sufficient to warrant any change in your RE-4 reenlistment code or grant you retirement, given your record of two NJP's for misconduct and your failure to comply with the alcohol rehabilitation program. The Board also noted that you were fortunate to receive an honorable discharge since a discharge under other than honorable conditions is often directed when an individual is found to have committed 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