



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

TJR
Docket No: 1545-10
20 October 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 13 October 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 25 May 1988 at age 18, began a period of active duty on 8 June 1988, and served for nearly five months without disciplinary incident. However, on 28 November 1988, you were apprehended by military authorities for wrongful use of alcoholic beverages. On 30 November 1988 you were found to be alcohol dependent and recommended for an administrative separation. The medical record stated, in part, that your potential for future service was poor; you received two tickets (both pending in court) from civil authorities for driving under the influence of alcohol; and that nonjudicial punishment (NJP) action was pending for your underage drinking. It also stated that you were offered treatment at the nearest veterans' affairs medical center, but refused it because of the possibility that such action would interfere with your other plans. You were again recommended for an administrative separation at this time.

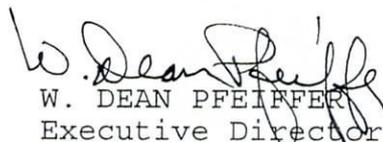
On 30 November 1988 you were notified of administrative separation by reason of erroneous enlistment. Presumably, you did not object to the separation and waived your right to submit

a separation rebuttal statement. On 8 December 1988 you received NJP for four periods of failure to go to your appointed place of duty, disrespect, underage drinking, and making a false official statement. The punishment imposed was restriction and extra duty for 40 days and a \$500 forfeiture of pay. Subsequently, the discharge authority directed your commanding officer to issue you an uncharacterized entry level separation by reason of erroneous entry, and on 18 January 1989, while serving in paygrade E-1, you were so separated and were 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 and desire to change your entry level separation by characterizing your period of service. It also considered your assertion of not being offered treatment for your alcohol abuse. Nevertheless, the Board concluded these factors were not sufficient to warrant relief because of the seriousness of your misconduct in such a short timeframe. The Board concluded that your diagnosed alcohol dependency and refusal to undergo treatment for this condition, as well as your failure to complete recruit training, were sufficient to support the uncharacterized entry level separation, which is authorized by regulatory guidance. Finally, there is documented evidence in the record that is contrary to your assertion of not being offered treatment for alcohol abuse. 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