



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

JRE  
Docket No. 03312-10  
31 January 2011



This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the 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 January 2011. 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 that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You reenlisted in the Navy on 14 June 2002 and served until to 31 December 2008, when you were discharged under honorable conditions by reason of alcohol abuse rehabilitation failure, and assigned a reentry code of RE-4 as required by governing directives.

The Board concluded that your receipt of a substantial combined disability rating from the Department of Veterans Affairs (VA) effective the day after you were discharged was not probative of the existence of error or injustice in your Navy record because the VA acted without regard to the issue of your fitness ~~for~~ to reasonably perform your military duties at the time of your discharge. As you

have not demonstrated that you were unfit for duty by reason of physical disability on 31 December 2008, the Board was unable to recommend corrective action in your case. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

The Board did not consider your request for upgrade of your discharge because you have not exhausted an available administrative remedy by applying to the Naval Discharge Review Board. It did not reconsider its previous denial of your request for a more favorable reentry code because you did not submit any new material evidence in that regard.

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