



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

TJR  
Docket No: 3702-10  
9 February 2011

[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 8 February 2011. 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 reenlisted in the Navy on 7 January 2005 after nearly 14 years of prior honorable service. You continued to serve without disciplinary incident until 22 January 2008, when you received nonjudicial punishment (NJP) for failure to obey a lawful order and drunken driving. The punishment imposed was reduction to paygrade E-5 and a suspended forfeiture of pay. On 3 March 2008 you were counselled regarding deficiencies in your performance and conduct, specifically, you were forbidden to consume any type of alcoholic beverages during the remainder of your treatment. However, on 17 April 2008, you were convicted by civil authorities of driving and/or attempting to drive while under the influence of alcohol. You were sentenced to confinement for 20 days, which was suspended, unsupervised probation for two years, and to pay \$250 in court costs. On 21 April 2008, you were again counselled regarding deficiencies in your performance and conduct, which included your completion of Level I Substance Abuse Rehabilitation Training.

Subsequently, you were processed for an administrative separation by reason of misconduct due to commission of a serious offense. The discharge authority directed your commanding officer to issue you an honorable discharge by reason of misconduct, and on 21 April 2008 you were so discharged 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 post service conduct, prior satisfactory service, request for reinstatement to paygrade E-6, and desire to change your reenlistment code and narrative reason for separation. Nevertheless, the Board concluded these factors were not sufficient to warrant relief because of the seriousness of your alcohol-related misconduct in both the military and civilian communities. Further, the Board concluded that your misconduct and nonrecommendation for retention or reenlistment were sufficient to support the assignment of an RE-4 reenlistment code, which is authorized by regulatory guidance. 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