



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

TJR
Docket No: 4858-09
26 April 2010

[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 20 April 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 14 September 1995 at age 20 and served without disciplinary incident until 16 August 1996, when you received nonjudicial punishment (NJP) for disorderly conduct and drunkenness. Shortly thereafter, you were diagnosed as alcohol dependent and referred for Level II treatment. However, after participating in the program for four days, you refused to complete treatment. As a result of this action, you failed the alcohol abuse rehabilitation program.

Subsequently, you were notified of pending administrative separation action by reason of alcohol abuse rehabilitation failure. The discharge authority directed your commanding officer to issue you a general discharge by reason of alcohol abuse rehabilitation failure, and on 5 May 1997, you were so discharged. At that time you 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 upgrade your discharge, and to change your narrative reason for separation and reenlistment code. Nevertheless, the Board concluded these factors were not sufficient to warrant a change in your record because of the seriousness of your alcohol related misconduct, which resulted in NJP and your failure to complete an alcohol rehabilitation program. 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