



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

JRE
Docket No. 09532-10
10 June 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 9 June 2011. After careful consideration of your application, the Board concluded that your application was not timely filed, and that it would not be in the interest of justice to excuse your failure to submit your application in a timely manner. In this regard, the Board concluded that you knew at the time of your discharge that you had an elevated blood alcohol level on 7 November 1992, when you were injured in a motor vehicle accident. In addition, the Board noted that although you submitted a record from the Palomar Medical Center which indicates that the results of a toxicology screen and urinalysis were negative, you submitted another, undated record which contains the entry "Blood Alcohol 158". Furthermore, a Palomar Medical Center discharge summary covering the 7-11 November 1992 period indicates that your blood alcohol level was 158 milligrams percent when you were admitted there on 7 November 1992. Records obtained from the Department of Veterans Affairs indicate that you pleaded guilty to a civilian criminal charge related to driving while under the influence of alcohol and were sentenced to a significant period of incarceration for that offense, and that you admitted in VA claims documents that the accident was alcohol related.

You may request reconsideration of this decision. Your request must include newly discovered relevant evidence which was not reasonably

available to you when you submitted your application. The evidence may pertain to the timeliness of your application or to its merits. Absent such additional evidence, further review of your application is not possible.

It is regretted that a more favorable reply cannot be made.

Sincerely,


W. DEAN PFEIFFER
Executive Director