



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

REC
Docket No: 00223-11
29 September 2011

[REDACTED]

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 28 September 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 the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Navy on 8 September 2008, at age 22. On 7 November 2008, a substance abuse evaluation was conducted and it was determined that you were alcohol dependent, and placed in a Level II Treatment program. On 13 November 2008, you received nonjudicial punishment (NJP) for being in an unauthorized absence (UA) status from your watch, two incidents of failure to obey a lawful order, dereliction in the performance of your duties, and being incapacitated from alcohol to properly perform your duties. On 22 December 2008, you completed the out-patient program, and signed an agreement to abstain from alcohol, continue personal growth, and practice responsible behavior. However, on 25 June 2009, you received NJP for being UA, and being drunk on duty. You were recommended for administrative separation. On 25 August 2009, your commanding officer forwarded his recommendation that you be discharged with a general discharge by reason of alcohol rehabilitation failure. You were then processed for separation by reason of alcohol rehabilitation failure. After you were advised of your rights, you elected to receive copies of documents to be forwarded to the separation authority, but waived all your other procedural rights. Subsequently, on 25 September

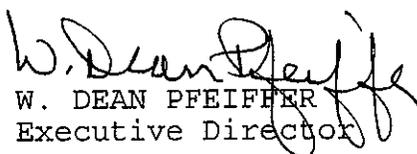
2009, you were separated with a general discharge by reason of alcohol rehabilitation failure. At that time, you were assigned a reentry code of RE-4.

In its review of your application, the Board considered all mitigating factors, such as your youth. However, the Board found these factors were insufficient to warrant changing your reentry code due to your two NJP's, and being an alcohol rehabilitation failure. The Board thus concluded that there is no error or injustice in your RE-4 reentry code. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

Since your discharge is less than 15 years old, you may apply to the Naval Discharge Review Board (NDRB) for a possible upgrade. I have enclosed a copy of NDRB's application for your convenience.

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

Enclosure