



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

SJN
Docket No: 02473-11
27 October 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 25 October 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 and began a period of active duty on 17 December 2003. The Board found that you received two nonjudicial punishments (NJP's) for drunk and disorderly conduct. As a result you were recommended and sent for Level III alcohol rehabilitation treatment. On 29 June 2005, you checked yourself out of treatment, causing you to be an alcohol rehabilitation failure. Subsequently administrative discharge action was initiated to separate you by reason of alcohol rehabilitation failure, misconduct due to commission of a serious offense, and misconduct due to a pattern of misconduct. You waived your rights to consult counsel, submit a statement or have your case heard by an administrative discharge board (ADB). On 23 September 2005, your commanding officer forwarded his recommendation that you be discharged under other honorable conditions by reason of misconduct. The separation authority (SA) concurred and directed a general discharge by reason of misconduct due to commission of a serious offense. On 30 September 2005 you were so discharged. At that time, you were assigned an RE-4 reentry code.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth and record of service. Nevertheless, the Board found that these factors were not sufficient to warrant changing the reason for your discharge or reentry code given your two NJP's for serious offenses due to alcohol abuse and failure to adhere to your command's alcohol rehabilitation program. An RE-4 reentry code must be assigned to all Sailors discharged due to misconduct. The Board noted that the administrative separation process includes the requirement that commands process service members for all reasons for which minimum criteria are met. This enabled the SA to approve the discharge for the most appropriate reason. Separation for misconduct normally takes precedence over all other reasons for discharge. 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 whether to upgrade your discharge or change the reason for separation because you did not request such action, and you have not exhausted your administrative remedy of applying to the Naval Discharge Review Board (NDRB). You may apply to NDRB by submitting the attached DD Form 293.

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