



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE ROAD, SUITE 1001
ARLINGTON, VA 22204-2490

REC
Docket No: 11838-12
6 December 2012



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 5 December 2012. 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 22 March 2010, at age 22. You signed and acknowledged the Navy policy on drug and alcohol abuse. On 14 October 2010, you were in an unauthorized absence (UA) status by not reporting to the Naval Legal Service Office and upon your return you provided a breathalyzer sample which revealed you had consumed alcohol. On 7 November 2010, you were apprehended by the police in San Diego, California, for an alcohol related incident of disorderly conduct. On 16 November 2010, you were referred to participate in the Alcohol Rehabilitation Program. On 17 March 2011, you received nonjudicial punishment (NJP) for drunk and disorderly conduct. On 20 April 2011, your commanding officer forwarded his recommendation that you be discharged with a general characterization of service by reason of alcohol abuse rehabilitation failure. The discharge authority directed a

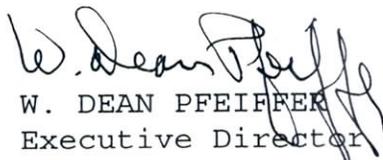
general discharge by reason of alcohol rehabilitation failure. On 15 June 2011, you were so discharged, and assigned an RE-4 reentry code.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and record of service. However, the Board found that these factors were not sufficient to warrant any change in your reentry code, given your record of one NJP, and alcohol rehabilitation failure. 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 your discharge should be upgraded due to the fact that it is less than 15 years old, you must first apply to the Navy Discharge Review Board (NDRB). Enclosed is a DD Form 293 you may use to apply to the NDRB.

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