



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

SJN

Docket No: 01449-13

12 February 2014

[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 11 February 2014. 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.

The Board found you began a period of active duty in the Navy on 29 June 1993. The Board also found that you served for over 16 years without any major incidents. During the period from 5 February to 9 July 2010, you successfully completed a Substance Abuse Rehabilitation aftercare treatment program. You returned to full duty and on 27 July 2011, you received nonjudicial punishment (NJP) for disobedience, failing to stand your duty in a sober and timely manner, wrongfully consuming alcohol while in a liberty risk status, making a false official statement, driving under the influence of alcohol, and being drunk on duty. You received a reduction in paygrade, restriction, extra duty, and a suspended forfeiture of pay. Subsequently, administrative discharge action was initiated to separate you by reason of alcohol rehabilitation failure. You elected to consult counsel and have your case heard before an administrative discharge board (ADB). On 12 October 2011, the ADB found by a preponderance of

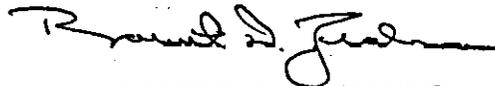
the evidence supported the alcohol rehabilitation failure basis for separation and recommended separation. On 9 January 2012, your commanding officer concurred with the ADB's findings and forwarded his recommendation that you receive a general discharge. On 20 July 2012, the separation authority directed a general discharge by reason of alcohol rehabilitation failure. On 2 August 2012 you were so discharged.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your length and record of honorable service, personal awards, medical and post service personal issues, and desire to be allowed to be retired from the Navy. Nevertheless, the Board concluded these factors were not sufficient to warrant crediting you with enough time for retirement given your NJP for very serious offenses and your failure to adhere to your chain of command's rehabilitation program. Accordingly, your application has been denied.

Since your discharge is less than 15 years old, you have not exhausted your administrative remedy of applying to the Naval Discharge Review Board (NDRB). You may apply to the NDRB for a review of your narrative reason for separation and characterization of service 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,



ROBERT D. ZSALMAN
Acting Executive Director

Enclosure