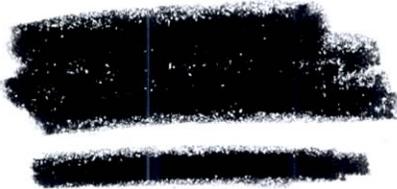




DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

SJN
Docket No: 00440-13
23 October 2013



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 22 October 2013. 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 13 December 2005. The Board found that although your record is incomplete, it appears you were enrolled in an alcohol rehabilitation aftercare program. On 29 October 2009, you received nonjudicial punishment (NJP) for disobedience, making a false official statement, dereliction of duty, drunk and disorderly conduct, and unauthorized absence. You received a reduction in paygrade, a forfeiture of pay, restriction and extra duty. It also appears that based on these incidents, administrative discharge action was initiated to separate you by reason of alcohol abuse rehabilitation failure, and you waived your rights to consult counsel or submit a statement. Your case was forwarded and the separation authority directed a general discharge by reason of alcohol rehabilitation failure. You were so discharged on 4 December 2009.

The Board, in its review of your record and application, carefully weighed all potentially mitigating factors, such as your youth and desire to upgrade your discharge. Nevertheless, the Board concluded these factors were not sufficient to warrant a change to your characterization of service given NJP and your failure to adhere to your command's alcohol rehabilitation program. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

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 PFRIFFER
Executive Director