



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

SJN
Docket No: 7238-13
6 August 2014

[REDACTED]

[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 5 August 2014. 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.

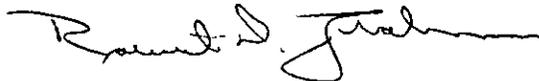
On 9 April 1997, you reenlisted in the Navy after serving over seven years of honorable service. The Board found that on 2 August 1995, you completed a Level III alcohol rehabilitation program and were warned that any involvement in a subsequent alcohol related incident or failure to complete your aftercare treatment would be grounds for administrative discharge action. On 27 September 1997, you were arrested by military authorities for driving under the influence (DUI) of alcohol. Subsequently, administrative discharge action was initiated to separate you by reason of alcohol abuse rehabilitation failure. You waived your rights to consult counsel, submit a statement or have your case heard by an administrative discharge board (ADB). You elected only to obtain copies of documents supporting the basis for separation. Your commanding officer stated, in part, that in your previous enlistment you received nonjudicial punishment for DUI, were referred to Level III alcohol rehabilitation treatment,

and despite the counseling and numerous resources made available to you, your off-duty conduct had escalated into a pattern of minor misconduct. You received a general discharge on 24 October 1997.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your prior honorable service and desire to upgrade your discharge. Nevertheless, the Board found that these factors were not sufficient to warrant any change in your discharge given your failure to adhere to your command's alcohol rehabilitation program. Finally, the Board noted that you waived the right to an ADB, your best chance for retention or a better characterization of service. 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,



ROBERT D. ZSALMAN
Acting Executive Director