



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

BC
Docket No: 00729-14
5 August 2014



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 30 July 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.

You enlisted in the Navy on 14 August 1998. On 10 April 2000, you received nonjudicial punishment (NJP) for being disrespectful in language toward two chief petty officers, disobeying a lawful order and using provoking gestures. On 4 December 2000, you received NJP for using provoking speech and gestures, disorderly conduct and assault. On 15 December 2001, you were in an unauthorized absence (UA) status for one day, which was counted as lost time. On 18 December 2001, you had an off base alcohol related incident and received a written warning from your commanding officer. It is documented in your record that you failed the Spring and Fall 2003 physical fitness tests. On 27 May 2006, a drug and alcohol abuse report documents that you were charged with assault and using provoking speech and gestures while intoxicated. On 3 July 2006, you were referred for an alcohol assessment after an alcohol related incident and

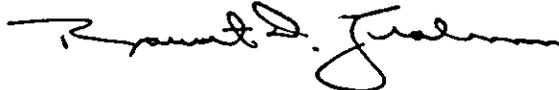
it was found that you did not meet the criteria for an alcohol abuser diagnosis. The counselor stated that since you taught alcohol abuse awareness classes, it was not recommended that you go through the treatment. Your commanding officer forwarded his recommendation that you be separated with an honorable discharge by reason of alcohol rehabilitation failure. The discharge authority approved the recommendation, directed a discharge and assigned an RE-4 (not recommended for retention) reentry code. On 11 August 2006, you were so separated with an honorable characterization of service and assigned an RE-4 reentry code.

The Board, in its review of your application, carefully weighed all potentially mitigating factors present in your case. It found those factors insufficient to warrant upgrading your reentry code, given your repeated acts of misconduct and alcohol related incidents. 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 narrative reason for discharge should be changed due to the fact that your discharge is less than 15 years old. You must first apply to the Naval 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,



ROBERT D. ZSALMAN
Acting Executive Director

Enclosure