



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

TJR
Docket No: 10968-14
26 February 2015

[REDACTED]

Dear [REDACTED]

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 24 February 2015. 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.

You enlisted in the Navy, began a period of active duty on 15 February 1995, and served for a year and two months without disciplinary infraction. However, during the period from 15 April to 10 December 1996, you received counselling on three occasions regarding your substandard performance and disciplinary incidents, specifically, you were counselled due to your drunk and disorderly conduct, being disruptive, failure to obey a lawful order, failure to attend a required alcohol treatment program, drunken driving, and being arrested by civil authorities for drunken driving in September 1996. You were also dropped from Level II rehabilitation due to your tardiness, poor attitude, and lack of participation. On 17 December 1996, you were convicted by civil authorities of drunken driving and sentenced to confinement for two days, a \$1,500 fine, and probation for three years.

Subsequently, after consulting with legal counsel and submitting a request to remain on active duty, which was denied, you were administratively processed for separation by reason of alcohol

abuse rehabilitation failure and civil conviction. Your commanding officer recommended separation under honorable conditions by reason of alcohol abuse rehabilitation failure, and on 2 January 1997, you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your desire to upgrade your discharge and assertion of an alteration of your contract. Nevertheless, the Board concluded these factors were not sufficient to warrant relief in your case because of the seriousness of your failure to successfully complete alcohol rehabilitation and misconduct in both the military and civilian communities. Finally, the Board noted that there is no evidence in the record to support your assertion. Accordingly, your application has been denied.

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 within one year from the date of the Board's decision. 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 J. O'NEILL
Executive Director