



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

BJG
Docket No: 1155-14
23 April 2014

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

Subj: [REDACTED]
REVIEW OF NAVAL RECORD

Ref: (a) Title 10 U.S.C. 1552

Encl: (1) DD Form 149 dtd 24 Oct 13 w/attachments
(2) NDRB rpt dtd 20 Sep 23

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed written application, enclosure (1), with this Board requesting, in effect, that his naval record be corrected by changing his separation code of JPD (alcohol rehabilitation failure) and reentry code of RE-4 (not recommended for retention), issued on 28 October 2004, be changed to RE-1 (recommended for retention).

2. The Board, consisting of Mes. Tolleffson and Montgomery and Mr. Zsalman, reviewed allegations of error and injustice on 22 April 2014, and pursuant to its regulations, determined that the limited corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies which were available under existing law and regulations within the Department of the Navy.

b. Petitioner enlisted in the Navy and began a period of active duty on 23 November 1994. On 27 October 2004, he received nonjudicial punishment (NJP) for failure to obey a lawful order, assault and battery, and being drunk and disorderly. This was his third alcohol related incident while serving on active duty. He was administratively separated on 28

October 2004 with a general characterization of service due to alcohol rehabilitation failure, and assigned an RE-4 reentry code.

c. In enclosure (2), the Naval Discharge Review Board (NDRB) upgraded his characterization of service to honorable and changed his narrative reason for separation to Secretarial Authority. The NDRB's rationale was that his NJP was held the day before his administrative discharge and there was no evidence that he waived his right to an administrative discharge board.

d. The correct separation code for the narrative reason for separation of Secretarial Authority is JFF.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner's case has merit and warrants partial corrective action. The Board particularly notes that his narrative separation is now Secretarial Authority and his separation code should be JFF. Regarding his RE-4 reentry code, the Board finds that it was appropriately assigned in light of his three alcohol related incidents and non-recommendation for retention. In view of the above, the Board directs the following limited corrective action.

RECOMMENDATION:

a. That Petitioner's naval record be corrected by changing the separation code to JFF.

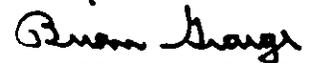
b. That no further relief be granted.

c. That any material or entries inconsistent with or relating to the Board's recommendation be corrected, removed or completely expunged from Petitioner's record and that no such entries or material be added to the record in the future.

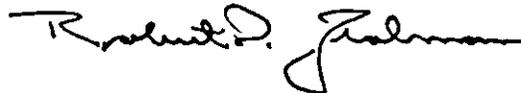
d. That any material directed to be removed from Petitioner's naval record be returned to the Board, together with a copy of this Report of Proceedings, for retention in a confidential file maintained for such purpose, with no cross reference being made a part of Petitioner's naval record.

4. Pursuant to Section 6(c) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(c)) it is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN
Recorder


BRIAN J. GEORGE
Acting Recorder

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.



ROBERT D. ZSALMAN
Acting Executive Director