



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

TAL
Docket No: 5338-14
4 June 2015

[REDACTED]

Dear [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. The application was filed in a timely manner.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 20 May 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.

The Board found that on 29 September 2012, you were cited by civil authorities for driving under the influence (DUI) with blood alcohol content (BAC) of 0.11 percent. On 24 October 2012, you received nonjudicial punishment (NJP) for operating a motor vehicle while under the influence of alcohol. You did not appeal the NJP. The Board noted the civil authorities dismissed your DUI charge. On 27 April 2013, you were released from active duty with an honorable characterization of service and were assigned an RE-3 reenlistment code.

The Board, in its review of your entire record and application, carefully weighted all potentially mitigating factors, such as your desire to remove the NJP and change your reentry code. Nevertheless, the Board concluded that these factors were not sufficient to warrant relief in your case. Your commanding officer's decision to impose NJP was appropriate, and is administratively and procedurally correct as written and filed. The decision of the civil court to dismiss your charge does not negate the offense for which you received NJP. Furthermore, the RE-3C code may not prohibit reenlistment, but requires a waiver be obtained from recruiting personnel who are responsible for determining whether you meet the requirements for reenlistment. 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 within one year from the date of the Board's decision. New evidence is evidence not previously considered by the Board prior to making its decision in your case. 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,

A handwritten signature in black ink, appearing to read 'R. J. O'Neill', written in a cursive style.

ROBERT J. O'NEILL
Executive Director