



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

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Docket No: 7186-21
Ref: Signature Date



Dear Petitioner:

This is in reference to your application for correction of your naval record pursuant to Section 1552 of Title 10, United States Code. After careful and conscientious consideration of relevant portions of your naval record and your application, the Board for Correction of Naval Records (Board) found the evidence submitted insufficient to establish the existence of probable material error or injustice. Consequently, your application has been denied.

A three-member panel of the Board, sitting in executive session, considered your application on 24 November 2021. The names and votes of the panel members 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 the Board. Documentary material considered by the Board consisted of your application together with all material submitted in support thereof, relevant portions of your naval record, and applicable statutes, regulations, and policies, to include the 25 July 2018 guidance from the Under Secretary of Defense for Personnel and Readiness regarding equity, injustice or clemency determinations (Wilkie Memo).

The Board determined that your personal appearance, with or without counsel, would not materially add to their understanding of the issues involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

You enlisted in the Navy and began a period of active duty on 12 July 2001. The Board noted that on 18 July 2002, you were arrested by civilian authorities for public intoxication. Because of your arrest involving alcohol consumption, you were referred to the Counseling and Assistance Center (CAAC) for an evaluation. On 25 July 2002, you were evaluated by CAAC for alcohol abuse, and it was determined that based upon the available documentation and your own disclosures, you met the criteria for alcohol abuse as shown by recurrent substance use in situations in which it is physically hazardous. As a result, you were recommended for Level II Treatment. On 12 August 2002, you participated in, and subsequently completed Level II Treatment on 30 August 2002. As part of your aftercare treatment plan, you were to meet weekly with the command Drug and Alcohol Program Advisor (DAPA) and maintain abstinence

from alcohol. On 27 January 2003, you received non-judicial punishment (NJP) for failure to obey a lawful written order by wrongfully consuming alcohol while under the age of 21 and drunken operation of a motor vehicle.

On 28 January 2003, you were notified that you were being recommended for administrative discharge from the Navy by reason of misconduct due to commission of a serious offense and alcohol rehabilitation failure. You were advised of your procedural rights, and waived your right to consult with military counsel. The separation authority directed your administrative discharge from the Navy with a general (under honorable conditions) characterization of service by reason of alcohol rehabilitation failure. On 7 February 2003, you were so discharged.

The Board carefully considered all potentially mitigating factors to determine whether the interests of justice warrant relief in your case in accordance with the Wilkie Memo. These included, but were not limited to, your desire to upgrade your discharge character of service. The Board also considered your contention that you served your country honorably, and due to the culture on post, you were influenced into drinking more than you should have by “superior officers.” You further state that you have stopped drinking, and have become a responsible representative of the veteran community and you have been consistently seeking treatment for alcoholism with the VA. The Board noted you did not submit any documentation or advocacy letters in support of your application to be considered for clemency consideration.

Based upon this review, the Board concluded your potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined that your misconduct, as evidenced by an NJP that involved the use of alcohol while under the age of 21, and your failure to comply with your prescribed aftercare treatment program warranted your administrative separation and characterization of service as issued. The Board did not find evidence of an error or injustice that warrants upgrading your characterization of service or sufficient evidence to warrant clemency. Accordingly, given the totality of the circumstances, the Board determined that your request does not merit relief.

You are entitled to have the Board reconsider its decision upon submission of new matters, which will require you to complete and submit a new DD Form 149. New matters are those not previously presented to or 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,

12/16/2021

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Executive Director

Signed by: █