



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

TRG
Docket No: 2387-01
15 November 2001

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.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 14 November 2001. 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 that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Navy on 5 December 1989 at age 19. The record shows that on 18 March 1991 and 5 April 1993 you received nonjudicial punishment for assault and a short period of unauthorized absence. In addition you were counseled on two occasions concerning another instance of assault, abuse of your spouse, and possession of paraphernalia which could be construed as being drug related.

The documentation to support your discharge processing is not filed in the service record. However, on 6 April 1993 you declined treatment by a Department of Veterans Affairs hospital for your diagnosed alcohol dependence. On 8 April 1993 you were honorably discharged by reason of alcohol abuse rehabilitation failure. At that time, you were not recommended for reenlistment and were assigned an RE-4 reenlistment code.

Regulations require the assignment of an RE-4 reenlistment code when an individual is discharged by reason of alcohol abuse rehabilitation failure. An individual who refuses treatment is considered to be a rehabilitation failure. In addition, your disciplinary record and the counseling entries could be used to

support the assignment of an RE-4 reenlistment code. Since you have been treated no differently than others discharged by reason of rehabilitation failure, the Board could not find an error or injustice in the assignment of the RE-4 reenlistment code. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

If you desire a review of your record to show entitlement to awards and decorations not shown on your DD Form 214, you should complete the enclosed Standard Form 180 and send it to the custodian of your record.

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,

W. DEAN PFEIFFER
Executive Director

Enclosure