



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

WMP

Docket No: 0198-02
1 November 2002

[REDACTED]

[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 23 October 2002. 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. In addition, the Board considered a statement furnished by PNCS(SW) Phillip Miller dated 20 May 2002 and your rebuttal statement of 1 October 2002.

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.

The Board found that you reenlisted in the Navy on 28 March 1996 for six years as a petty officer first class (E-6) after over 12 years of active service. Your record further reflects that you were awarded your third Navy Achievement Medal in April 1996 and were advanced to chief petty officer (E-7) on 16 August 1996

Your record further shows that you were hospitalized for alcohol detoxification between 14 to 16 October 1997, and subsequently returned to your command for immediate assignment to an alcohol treatment program. Although your record does not contain the documents concerning your alcohol abuse treatment, it is clear from your statements and available documentation that you refused to participate in your alcohol rehabilitation program.

In your statement of 1 October 2002 you stated, in part, as follows:

I had almost completed level II when my counselor asked me if I would ever drink again and I told her the truth, I had no desire to drink again but I did not know what the future held. She said that I must be able to tell her yes I will never drink again, I told her I did not ever want to drink again but who knows what would happen in the future. She told me I was not getting the program and that I would need to start all over again, this time level III, I refused due to I was getting the program, I was attending twice as many AA meetings a week as required, I already had a sponsor and was making plans for the future to getting back in the church on a regular basis.

... I did sign myself out of treatment and returned to my command and was instructed to return to treatment or be discharged. I elected not to return to treatment and took the discharge.

It also appears that, your commanding officer personally attempted to convince you to return for treatment, but, you refused further treatment and elected to be discharged.

On 24 November 1997 you were notified of proposed administrative separation processing by reason of alcohol rehabilitation failure. You were advised of and waived the right to present your case to an administrative discharge board (ADB). You elected only to obtain copies of documents that would be forwarded to support the basis for the proposed separation.

During your separation physical of 25 November 1997, you stated that you had recently lost 20 pounds due to excessive drinking, had nervous trouble from drinking, and had been diagnosed as a chronic alcoholic. The attending physician noted during the physical that you had lost 24 pounds over a four-month period and that your hands shook as a result of your excessive drinking.

On 1 December 1997 you were honorably discharged by reason of alcohol rehabilitation failure and assigned an RE-4 reenlistment code.

In its review of your application the Board carefully weighed all potentially mitigating factors such as above average service record and your contention that you are not an alcoholic or a rehabilitation failure. However, the Board concluded that you were medically diagnosed as alcohol dependent, failed to complete a program of treatment, and refused further treatment. Your refusal to participate in the program, by regulation, constitutes rehabilitation failure and authorized your separation. Assignment of a RE-4 reenlistment code is required by regulation when an individual is discharged for alcohol rehabilitation failure. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

The Board did not consider whether your reason for separation should be changed because you did not make such a request in your application and you have not exhausted your administrative remedies by submitting an application to the Naval Discharge Review Board (NDRB). You may apply to NDRB by submitting the attached DD Form 293.

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