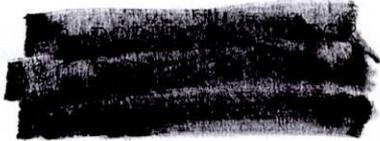




DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

BJG
Docket No: 4513-10
31 January 2011



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 25 January 2011. 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.

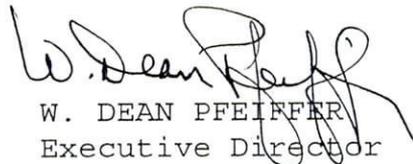
You reenlisted in the Navy Reserve on 14 January 2005 after more than six years of prior honorable service. You completed a Level III alcohol abuse rehabilitation program after it was determined that you were alcohol dependent. You received nonjudicial punishment for being intoxicated on duty. On 19 March 2008, you were counseled and warned that further misconduct could result in administrative separation. You were then convicted by civilian authorities of driving while intoxicated (DWI). You were notified that you were being administratively separated due to alcohol rehabilitation

failure with a type warranted by service record characterization. On 4 September 2009, you were discharged under honorable conditions due to alcohol rehabilitation failure and assigned an RE-4 (not recommended for retention) reentry code.

In its review of your application, the Board carefully weighed all potentially mitigating factors, such as your prior honorable service, desire to reenlist in the armed forces, and the fact that your DWI conviction was dismissed after you completed probation. However, the Board concluded that your reentry code should not be changed due to your two alcohol-related incidents after completing Level III treatment. You are further advised that no reentry code is upgraded automatically due merely to the passage of time or post service good conduct. In view of the above, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

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