



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. 4000-24
Ref: Signature Date

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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.

Although your application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider your application on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 7 August 2024. 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, applicable statutes, regulations, and policies. In addition, the Board considered an advisory opinion (AO) provided by the Navy Personnel Command (█), dated 14 May 2024. Although you were provided an opportunity to respond to the AO, you chose not to do so.

After a period of Honorable service, you entered active duty with the Navy on 30 March 2000. On 15 May 2002, you received a substance abuse screening that recommended you for Alcohol IMPACT training. On 12 June 2002, you completed Alcohol IMPACT training. On 4 December 2002, you received non-judicial punishment (NJP) for cruelty and maltreatment of a subordinate, wrongfully using provoking speeches and gestures, simple assault, and drunk and disorderly conduct. On 30 December 2002, after being diagnosed with alcohol abuse, you were recommended for Level I Rehabilitation Treatment. On 7 March 2003, you successfully completed Level I Rehabilitation Treatment and was assigned to a structured aftercare program. On 13 November 2003, you were formerly counseled as a result of being intoxicated and being identified as a rehabilitation failure. Consequently, you were notified of pending administrative separation actions by reason of alcohol rehabilitation failure. After waiving your rights, your commanding officer (CO) forwarded your packet to the separation authority (SA) recommending your discharge with a General (Under Honorable Conditions) (GEN) characterization of service.

The SA approved the CO's recommendation and directed a GEN characterization of service by reason of alcohol rehabilitation failure. On 19 November 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. These included, but were not limited to, your desire to correct Block 12c on your Certificate of Release or Discharge from Active Duty (DD Form 214) and your desire to add the Armed Forces Expeditionary Medal (AFEM), Operation Enduring Freedom (OEF) Medal, and Global War on Terrorism (GWOT) Medal to your DD Form 214 (Block 13). The Board considered your contention the aforementioned awards were missing from your DD Form 214.

After thorough review, the Board determined your no changes to your record are warranted. In making this finding, the Board considered the AO provided by the Navy Personnel Command. The AO stated that a complete review of your Official Military Personnel File (OMPF) revealed that your Net Active Service (Block 12 C) on your DD Form 214 is incorrect and should read 3 years, 7 months, 20 days vice 3 years, 7 months, 10 days. The AO also noted you are entitled to the GWOT Expeditionary Medal and the GWOT Service Medal. The AO determined these administrative corrections would be made by Navy Personnel Command with the issuance of a DD Form 215. Therefore, the Board took no action on these requests.

Regarding your request for the AFEM, the Board concurred with the AO that you are not entitled to the medal because you reported to █ after the eligibility period for the medal had expired. Finally, regarding your request for an OEF award, the Board noted that OEF service is recognized as part of the Global War on Terrorism. In recognition of your service during OEF, you were awarded the GWOT Expeditionary Medal and the GWOT Service Medal. 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,

8/23/2024

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