



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

701 S. COURTHOUSE RD

ARLINGTON, VA 22204



Docket No. 8356-25

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.

Because your application was submitted with new evidence not previously considered, the Board found it in the interest of justice to review your application. A three-member panel of the Board, sitting in executive session, considered your application on 6 February 2026. 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).

You previously applied to this Board for a change to your reason for separation and reentry code. Your request for relief on 30 March 1993. In your application, you argued that the reason for your separation had been overcome. In the Board's denial letter, it explained that you were processed for administrative separation by reason of alcohol abuse rehabilitation failure after you refused to participate in Level III treatment. The summary of your service remains substantially unchanged from that addressed in the Board's previous decision.

After careful review, the Board reached the following conclusions and denied your current application for relief.

The Board initially concluded you were appropriately processed for administrative separation based on your refusal to attend Level III rehabilitation treatment. While the Board carefully considered your contention that you never attended rehabilitation treatment, the Board noted you did not deny refusing to attend Level III treatment. While the Board understands your implied argument that you could not fail treatment that you did not attend, it did not find your arguments

persuasive. The Board noted that service regulations define refusal to attend alcohol rehabilitation treatment as a rehabilitation failure eligible for administrative separation processing. The Board thus determined that the record clearly reflected that you voluntarily, knowingly, and willingly refused treatment, and your treatment refusal automatically deemed you to be a per se rehabilitation failure. Your refusal placed you in the same category as those Sailors who received treatment and later are involved in an alcohol-related incident or violated their prescribed aftercare regimen. Therefore, the Board determined the presumption of regularity applies to the finding that your administrative separation processing was not erroneous.

The Board also considered the totality of the circumstances to determine whether equitable relief was warranted in the interests of justice in accordance with the Wilkie Memo. In this regard, the Board considered, amongst other factors, the totality of your service, the non-violent nature of your actions, your relative youth and immaturity at the time of your misconduct, the negative effect your discharge has had on your life, and the passage of time since your discharge.

The Board found that the mitigating factors were not nearly sufficient to justify any equitable relief. Specifically, the Board found that your reason for separation remains appropriate. The Board unequivocally determined that your administrative separation for alcohol abuse rehabilitation failure was legally and factually sufficient, and that your current narrative reason for separation and reentry code were in compliance with all Department of the Navy directives and policy at the time of your discharge. Moreover, the Board took into consideration that your command assigned you an Honorable characterization of service. As a result, the Board found that you already received a large measure of clemency. While the Board understands your desire to change your reason for separation, it noted you provided no mitigation evidence in support of your application. Therefore, the Board lacked information to assist it in determining whether any additional clemency could be appropriate.

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,

2/18/2026

