



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

WMP
Docket No: 3147-02
3 October 2002

[REDACTED]

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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 2 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.

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 enlisted in the Marine Corps on 18 February 1997 for four years at age 20. You served without incident until you were arrested by civil authorities for driving under the influence of alcohol and turned over to military authorities.

On 4 March 1999 you received counseling concerning your arrest for driving under the influence of alcohol on 4 February 1999 and warned of the consequences of further misconduct.

On 16 April 1999, you were evaluated for alcohol dependency and found to be alcohol dependent and offered treatment in an alcohol rehabilitation program, which you declined to accept. You were informed that your refusal of treatment constituted

alcohol rehabilitation failure which would result in a recommendation for expeditious administrative separation.

On 12 May 1999, you received nonjudicial punishment (NJP) for failure to go to your appointed place of duty. The punishment imposed was a forfeiture of \$275 and 14 days of restriction and extra duty. The forfeitures and 7 days of restriction and extra duty were suspended for a period of six months.

On 20 May 1999, the previously suspended punishment from your 12 May 1999 NJP was vacated due to your continued misconduct. On 15 June 1999, you again received NJP for failure to obey a lawful order. The punishment imposed was a forfeiture of \$275 and 14 days of restriction and extra duty.

On 21 July 1999 administrative separation action was initiated by reason of alcohol abuse rehabilitation failure. You were advised of and waived all of your procedural rights with the exception of obtaining copies of documents that were being forwarded to support the basis for the proposed separation.

On 12 August 1999, your proposed administrative separation was forwarded to the discharge authority recommending a general discharge, which was approved by the discharge authority on 7 September 1999. You were so discharged on 9 September 1999.

In its review of your application the Board carefully weighed all potentially mitigating factors such as your youth and immaturity, and feeling remorseful for your actions. However, the Board found your record clearly supported your discharge for alcohol abuse rehabilitation failure based on your refusal to participate in a treatment program. Further, regulations require the assignment of an RE-4 reenlistment code to an individual 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.

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