



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

REC
Docket No: 05164-10
17 February 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 16 February 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 the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Navy on 11 June 1990, and began a period of active duty. On 6 March 1992, you received nonjudicial punishment (NJP) for drunk and reckless driving. On 30 March 1992, you were enrolled in Level II alcohol rehabilitation treatment program. On 11 April 1992, you were disenrolled from the alcohol rehabilitation program for failure to meet the requirements. You were late on three occasions, missed one required meeting and did not participate in group sessions. Your commanding officer forwarded his recommendation that you be discharged with a general discharge by reason of misconduct. On 11 August 1992, the discharge authority directed the general discharge by reason of misconduct (commission of a serious offense). After you were advised of your rights, you elected to receive copies of documents to be forwarded to the separation authority, but waived all your other procedural rights. Subsequently, on 27 August 1992, you were discharged with a general discharge by reason of misconduct. At that time, you were assigned a reentry code of RE-4.

In its review of your application, the Board considered all mitigating factors, such as your youth. However, the Board found these factors were insufficient to warrant changing your reentry code due to you being an alcohol rehabilitation failure. The Board thus concluded that there is no error or injustice in your RE-4 reentry code. 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