



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE ROAD, SUITE 1001
ARLINGTON, VA 22204-2490

TAL
Docket No: 3843-13
19 March 2014

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10, 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 12 March 2014. 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.

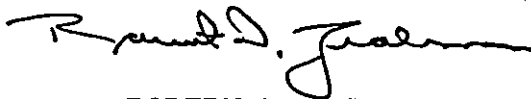
After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You reenlisted in the Navy on 15 July 1994 after more than four years of prior honorable service. On 3 July 1995, you were charged with driving under the influence (DUI), resisting arrest and speeding by the sheriff in Jacksonville, Florida. On 17 October 1995, you signed an administrative remarks entry acknowledging that you refused Level II Alcohol Abuse Treatment. You also acknowledged that by refusing to participate in the Level II treatment program could result in administrative discharge. You were notified of pending administrative discharge processing with an honorable discharge due to alcohol rehabilitation failure. You waived all of your procedural rights, including right to counsel and to submit a written statement. On 24 November 1995, you received the honorable discharge for alcohol rehabilitation failure.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth and prior honorable service. Nevertheless, the Board found that these factors were not sufficient to change your narrative reason for separation given your refusal attend and complete your command's alcohol rehabilitation program. 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,



ROBERT D. ZSALMAN
Acting Executive Director