



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

TAL
Docket No: 5043-14
6 January 2015

[REDACTED]

Dear [REDACTED]

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. The application was filed in a timely manner.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 3 December 2014. The names and votes of the members of the panel 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 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.

Your record reflects that on 12 January 2006, your commanding officer submitted a request for waiver for your retention in the Navy. This waiver outlined your outpatient Level I treatment, alcohol abuse disciplinary action, and completion of the program. On 7 March 2006, the discharge authority advised your commanding officer that the waiver had been approved and that you were to be retained. At that time you were also warned that any further alcohol abuse incidents would result in administrative separation.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your request for removal of the "January and March 2006 request for waiver" documentation from your naval record. Nevertheless, the Board noted this documentation was valid as written and filed, because your request is based on a change of policy dated

4 June 2009. With that being said, the Board concluded there was no error or injustice in your record and as such, the request for waiver should remain in the record. Accordingly, your application has been denied.

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 within one year from the date of the Board's decision. New evidence is evidence not previously considered by the Board prior to making its decision in your case. 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,

A handwritten signature in black ink, appearing to read "Robert J. O'Neill", written in a cursive style.

ROBERT J. O'NEILL
Executive Director