



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

TRG
Docket No: 3274-02
10 September 2002

[REDACTED]

[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.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 4 September 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.

You enlisted in the Navy on 30 December 1996 at age 22. You satisfactorily completed initial training and on 3 June 1997 you reported to the USS ARLIEGH BURKE (DDG 51). On 18 July 1997, you were referred for a competency for duty evaluation because you smelled of alcohol and the blood alcohol content was found to be .024. Five days later, you were screened and found to be alcohol dependent. Subsequently, you were referred for an inpatient level III alcohol rehabilitation program and were hospitalized from 11 August to 8 September 1997.

A psychiatric evaluation, dated 29 September 1997, states, in part, as follows:

Several UA charges & pending DRB (Disciplinary Review Board) for pierced tongue. Pt ambivalent about USN. has long standing insomnia & depressed mood. had one beer - 8d ago. Recently learned mother has cancer. Command plans to admin sep for Level III failure & (continuing) disciplinary problems.

Based on the foregoing record you were processed for an administrative discharge. On 3 October 1997 you were issued a general discharge by reason of alcohol rehabilitation failure. At that time, you acknowledged that you were not recommended for reenlistment and were assigned an RE-4 reenlistment code.

In your application you are requesting recharacterization of your discharge to honorable, a change in the reason for discharge and an RE-1 reenlistment code. You state that you completed the level III program and had no aftercare requirements. You further state that you told the drug and alcohol program advisor that you had occasionally consumed wine with dinner and this resulted in your discharge due to rehabilitation failure. You believe this action was improper because you had no alcohol related incidents.

In support of your application you have submitted an evaluation from a mental health professional. The evaluation states, in part, as follows:

.... He told me he rarely drinks, only at a social level. I have an acquaintance who knows (him) personally, and I ask (sic) him about his alcohol use. He voiced to me that he has never seen him intoxicated, or under the influence of alcohol.

I did not find an abuse or dependency related to alcohol. What I suspect happened with his discharge from the Navy previously was that there was present at that time some 5 years ago, a degree of emotional immaturity When the crises came up with his ill relative, mixed with a value of he must do his best, he became confused, anxious, somewhat depressed and withdrawn. I think this was confused with alcohol dependency, and was misdiagnosed as alcohol dependent. When I examined his ability to deal with situations like this now, in a military environment, his responses were appropriate. He also appears to have made significant resolution with the issues related to his emotional immaturity.

.... What I see is a man who would make a good soldier. He has no alcohol problems. He deals with his issues at an acceptable level. He is well suited for military duty.

You have also submitted evidence of a good work record since your discharge.

The Board found that these contentions were not sufficient to warrant recharacterization of your discharge or to change the reason for your discharge. The Board noted the evaluation

completed almost five years after your discharge was based solely on an interview that was conducted when you were not under stress and when you had an incentive to be on your best behavior. Therefore, the Board found the evaluation was insufficient to overcome the diagnoses of alcohol dependence made prior to referral for alcohol rehabilitation, and by the experts at the rehabilitation program. When you completed the inpatient program, you were also required to complete the aftercare program. According to the subsequent psychiatric evaluation, you continued to have disciplinary problems and admitted to alcohol use during aftercare. The Board concluded that the general discharge by reason of rehabilitation failure was proper as issued and no change is warranted.

Regulations require the assignment of an RE-4 reenlistment code when an individual is discharged due to alcohol rehabilitation failure. Since you have been treated no differently than others discharged for that reason, the Board could not find an error or injustice in the assignment of the RE-4 reenlistment 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