



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

JLP:tj  
Docket No: 8392-98  
3 August 1999

C [REDACTED] USN (RET.)  
4 [REDACTED]  
[REDACTED]

Dear FORMER CHIEF PETTY OFFICER [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 3 August 1999. 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. In addition, the Board considered the advisory opinion furnished by BUPERS Memorandum 5420 Ser 403/267 of 6 July 1999, a copy of which is attached.

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. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. 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

Enclosure



**DEPARTMENT OF THE NAVY**  
**NAVY PERSONNEL COMMAND**  
**5720 INTEGRITY DRIVE**  
**MILLINGTON TN 38055-0000**

5420  
Ser 403/267  
6 July 99

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF  
NAVAL RECORDS (PERS-00XCB)

Via: Assistant for BCNR Matters (Pers-00ZCB)

Subj: REQUEST FOR COMMENTS AND RECOMMENDATIONS IN CASE OF  
CHIEF ██████████, USN, RET, ██████████

Ref: (a) BCNR Request Document # 08392-98  
(b) OPNAVINST 5355.3B Submarine & Nuclear Propulsion  
Program Personnel Drug/Alcohol Policy

1. Subject member is requesting BCNR relief for reinstatement of his submarine designator, correction of his DD Form 214 and payment of all lost submarine pay.

2. Chief ██████████ request and service record have been thoroughly reviewed and are returned, recommending disapproval.

3. The following comments are germane to his request:

- Chief ██████████ was submarine disqualified on 28 January 1994 for alcohol dependency.
- He contends that his disqualification was based solely on the DAAR report and that the DAAR should never have been submitted in that although he was accused of violation of UCMJ Article 112 (Drunk on Duty), non-judicial punishment was not held. This was, in fact, an alcohol related incident in that he reported for quarters at 1200, 1 September 1993 with alcohol on his breath.
- The Commanding Officer recommended Level III rehabilitation, as this was not his first incident of alcohol abuse. Without full knowledge of Chief ██████████ history of alcohol abuse, the Commanding Officer considered Level III as a self-referral, which does not require disqualification in accordance with reference (b).

- Subsequent to assignment to Level III rehabilitation, the command realized that disqualification was required, as this was his second Level III rehabilitation. The Commanding Officer had no option other than recommending submarine disqualification. Reference (b) refers.
- As alcohol rehabilitation is not considered punishment, there was nothing to preclude his reenlistment at COMSUBRON EIGHT.
- He remained within the submarine community for his PCS assignment to the USS HOLLAND. It is standard procedure to assign submarine disqualified personnel to fill submarine tender billets in order to make maximum use of their training.
- Chief ██████████ never requested reinstatement to submarine duty after his rehabilitation and aftercare. His claim of "extreme prejudicial actions" against personnel disqualified from submarine duty is totally unfounded. The Submarine Force has always encouraged reinstatement to submarine duty in accordance with reference (b), especially for senior, highly trained personnel.
- Chief ██████████ continued abusing alcohol after his second Level III rehabilitation. He received non-judicial punishment onboard USS HOLLAND on 18 May 1996 for:
  - Violation of UCMJ Article 86: failure to go to appointed place of duty.
  - Violation of UCMJ Article 90: disobeying a commissioned officer.
  - Violation of UCMJ Article 134: Drunkenness - incapacitated for duty.

All charges were dismissed with a warning. Note that this was cause for administrative separation for alcohol rehabilitation failure.

4. Pers-403, in considering all the facts, finds that his disqualification from submarine duty was fully justified. He is not recommended for reinstatement to submarine duty.



S. V. JONES

Head Enlisted Submarine/  
Nuclear Power Assignments