



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

TRG
Docket No: 1379-01
15 August 2001

[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.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 14 August 2001. 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 9 September 1988 at age 19. The record shows that in January and February 1989, you received nonjudicial punishments for disrespect, disobedience and breaking restriction. Prior to the first nonjudicial punishment you were counseled and warned concerning your conduct and performance.

Based on the foregoing record you were processed for an administrative discharge by reason of misconduct. An administrative discharge board met on 10 March 1989 and found that you had committed misconduct which warranted discharge under other than honorable conditions. On 12 April 1989 you received another nonjudicial punishment for five instances of breaking restriction. On 10 May 1989 the discharge authority approved the recommendation of your commanding officer that you be discharged for misconduct with a discharge under other than honorable conditions, and you were so discharged on 19 May 1989. At that time you were not recommended for reenlistment and were assigned an RE-4 reenlistment code.

Your case was considered by the Naval Discharge Review Board (NDRB) in 1999. The NDRB essentially found that given the nature

of your offenses and your excellent post service conduct, a discharge under other than honorable conditions was no longer appropriate. Accordingly, NDRB directed that your discharge be recharacterized to general under honorable conditions. However, the reason for discharge was not changed.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth and desire for changes in the reason for discharge and reenlistment code so that you can progress in the Army National Guard. However, the Board found that these factors were not sufficient to warrant further recharacterization of your discharge or to change the reason for the discharge given your record of misconduct.

Concerning your request for a change in the reenlistment code, the Board noted that regulations require the assignment of an RE-4 reenlistment code when an individual is discharged by reason of misconduct. Since you have been treated no differently than others in your situation, 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

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The Disabled American Veterans