



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

TJR  
Docket No: 6700-01  
12 March 2002

[REDACTED]

Dear [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 5 March 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 the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found you enlisted in the Navy on 18 August 1989 at the age of 19. Your record reflects that on 11 October 1991 you were convicted by summary court-martial (SCM) of a 30 day period of unauthorized absence (UA) and missing the movement of your ship. You were sentenced to confinement at hard labor for 30 days, reduction to paygrade E-2, and a \$150 forfeiture of pay. Subsequently, you were notified of pending administrative separation action by reason of misconduct due to commission of a serious offense. After consulting with legal counsel you elected to present your case to an administrative discharge board (ADB). On 10 February 1992 an ADB found that you had committed misconduct but recommended you be retained. On 12 February 1992 your commanding officer concurred in the recommendation for retention, and the separation authority apparently directed such action.

On 31 July 1992 you received nonjudicial punishment (NJP) for failure to go to your appointed place of duty and failure to obey a lawful order. The punishment imposed was restriction and extra duty for 45 days, a \$786 forfeiture of pay, and reduction to paygrade E-1. A portion of the punishment was suspended. Shortly thereafter, on 8 August 1992, you received NJP for failure to go to your appointed place of duty and were awarded confinement on bread and water for three days and a \$393 suspended forfeiture of pay. The suspended portion of the 31 July 1992 NJP was also vacated at that time. On 16 September 1992 you received NJP for two specifications of failure to go to your appointed place of duty. The punishment imposed was restriction for 60 days and a \$786 suspended forfeiture of pay. However, on 18 September 1992, the suspended forfeiture was vacated due to your continued misconduct.

On 25 February 1993 you received your fourth NJP for absence from your appointed place of duty and were awarded a \$100 forfeiture of pay and restriction and extra duty for 21 days.

On 26 October 1993 you were honorably released from active duty and transferred to the Naval Reserve. At that time you were assigned an RE-4 reenlistment code.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity and post service conduct. However, the Board concluded these factors were not sufficient to warrant a change in the assigned reenlistment code given your frequent misconduct, which resulted in a court-martial conviction and four NJPs. Further, the Board noted that your misconduct continued even after you were processed for separation and retained in the Navy after committing a serious offense. Given all the circumstances of your case, the Board concluded your reenlistment code was proper and no change is warranted. 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