



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

TJR
Docket No: 2752-02
13 November 2002

[REDACTED]

[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 13 November 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 the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Navy on 21 January 1998 at the age of 17. You served for two years and five months without disciplinary incident, but on 22 May 2000, you received nonjudicial punishment (NJP) for insubordination. The punishment imposed was extra duty and restriction for 30 days and a \$300 forfeiture of pay.

On 21 December 2001 you received NJP for failure to obey a lawful order and insubordination. The punishment imposed was reduction to paygrade E-3 and restriction and extra duty for 15 days, which was suspended for six months.

Subsequently, on 20 January 2002, you were honorably released from active duty and transferred to the Naval Reserve and 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 your contentions that your RE-4 reenlistment code and discharge were severe and the result of over-reaction to a situation. It also considered your contention

that your misconduct was due to months of harassment and broken promises. Nevertheless, the Board concluded these factors and contentions were not sufficient to warrant a change in the reenlistment code because of your repeated misconduct, which continued until a month before your released from active duty, and resulted in a reduction in paygrade. Further, there is no evidence in the record, and you submitted none, to support your contentions. 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