



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

TRG
Docket No: 6231-01
8 February 2002

[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 5 February 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 15 March 1989 at age 17 and successfully completed recruit training. Subsequently, you were referred for a psychiatric evaluation after you made a suicidal gesture. On 8 August 1989, you were diagnosed as being alcohol dependent. On 28 September and 9 November 1989 you received nonjudicial punishments for three periods of unauthorized absence totaling about 11 days.

Based on the foregoing record, you were processed for an administrative discharge by reason of misconduct due to minor disciplinary infractions. In connection with this processing, you stated "I do not object to this separation." Subsequently, the discharge authority directed the type of discharge warranted by your service record. Prior to your discharge, you waived treatment for your alcohol dependence at a Department of Veterans Affairs Hospital. You were issued a general discharge by reason of misconduct on 20 December 1989. At that time, a reenlistment code of RE-4 was assigned.

Character of service is based, in part, on conduct and overall

trait averages which are computed from marks assigned during periodic evaluations. You were evaluated on one occasion and assigned a mark of 2.8 in conduct. A minimum average mark of 3.0 in conduct was required at the time of your separation for a fully honorable characterization of service. Although the discharge authority directed the type of discharge warranted by your service record, the use of marks to make this determination is not required when an individual is discharged for misconduct.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth, desire to again serve in the military and the excellent character references you submitted. The Board found that these factors were not sufficient to warrant recharacterization of the general discharge given your record of misconduct, failure to achieve the required average mark in conduct, and your discharge by reason of misconduct. The Board concluded that the general discharge by reason of misconduct was proper as issued and no change is warranted.

Concerning the reenlistment code, the Board noted that regulations require the assignment of the 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