



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

FC

Docket No: 01820-03
21 August 2003

[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 13 August 2003. 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.

On 15 February 1986 you reenlisted in the Navy after more than three years of prior honorable service. You then served without incident until 3 December 1993, when you were counseled concerning writing worthless checks. On 20 January 1994 you were counseled again concerning failure to pay a legal debt. On 30 June 1994 you received nonjudicial punishment (NJP) for writing a check without sufficient funds, and were awarded a suspended reduction to paygrade E-5. On 11 July 1994 you were counseled for a third time concerning writing worthless checks and displaying an inability to manage personal funds.

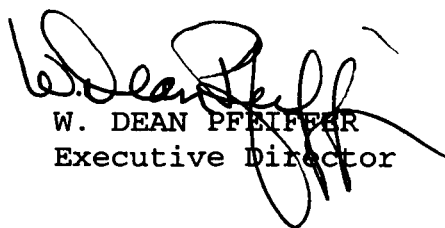
On 18 October 1994 you received a special evaluation which stated that you were being processed for an administrative separation under other than honorable conditions, and further noted that you had violated the Navy's policy on hazing. You received marks of 2.8 in the marking categories of reliability,

personal behavior, and human relations; and with an overall average of 2.8. However, it appears that the command did not continue the processing for an administrative discharge since you were honorably discharged and assigned a reenlistment code of RE-4 when you completed your enlistment on 30 March 1995.

In its review of your case, the Board carefully weighed all potentially mitigating factors such as your honorable characterization of service. However, because of your misconduct involving financial management resulting in three counseling sessions and a NJP, the Board concluded that there is no error or injustice in your reenlistment code. The Board also noted that you could have received an other than honorable discharge had your command followed through with the administrative separation processing for commission of a serious offense. Therefore, you were fortunate to have received an honorable discharge. 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