



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

TJR
Docket No: 8618-06
17 July 2007

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 17 July 2007. 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 reenlisted in the Navy on 13 September 2000 at age 18 and served without disciplinary incident until 26 April 2003, when you received nonjudicial punishment (NJP) for insubordination. About two months later, on 28 June 2003, you received NJP for failure to obey a lawful order and inappropriate conduct.

On 16 March and again on 18 April 2004 you received NJP for dereliction of duty and two specifications of failure to obey a lawful order. On 8 May 2004 you received your fifth NJP for larceny and wrongful appropriation of personal property from a fellow shipmate valued at \$250. The punishment imposed was restriction and extra duty for 45 days, reduction to paygrade E-1, and a \$300 forfeiture of pay.

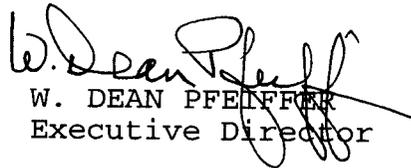
On 14 May 2004 you were notified of pending administrative separation by reason of misconduct due to a pattern of misconduct. At that time you waived your right to consult with legal counsel and to present your case to an administrative discharge board (ADB). Subsequently, your commanding officer recommended a general discharge by reason of misconduct due to a pattern of misconduct as evidenced by five NJPs. This recommendation also stated, in part, that you had become an administrative burden to the command, required constant supervision, and had become increasingly disrespectful. The discharge authority approved this recommendation and directed a general discharge by reason of misconduct, and on 24 May 2004 you were so discharged and were assigned an RE-4 reenlistment code.

The Board, in its review of your record and application, carefully weighed all potentially mitigating factors, such as your youth and desire to reenlist. Nevertheless, the Board concluded these factors were not sufficient to warrant a change of the reenlistment code because of the seriousness of your misconduct, which resulted in five NJPs. Further, a Sailor separated by reason of misconduct must receive an 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