



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

SMW
Docket No: 663-07
24 July 2007

[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 24 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.

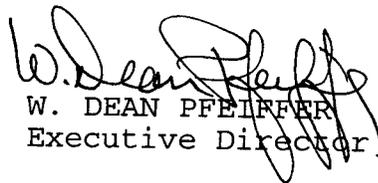
On 4 December 2001 you enlisted in the Navy at age 29. During the period from 28 December 2002 to 11 November 2004 you received three nonjudicial punishments (NJP's). Based on the information currently contained in your record it appears that your commanding officer (CO) subsequently initiated administrative separation by reason of misconduct due to a pattern of misconduct, and recommended a general discharge. In connection with this processing, you would have acknowledged the separation action and been afforded an opportunity to consult counsel and submit a statement in response to the separation action. Apparently, the separation authority approved the discharge recommendation and directed a general discharge by reason of misconduct due to a pattern of misconduct. On 8 December 2004 you acknowledged that you were not recommended for reenlistment due to misconduct. The record shows that on 14 December 2004 you were separated with a general discharge by reason of misconduct due to a pattern of misconduct. At that time you were assigned an RE-4 reenlistment code, which means that you are neither recommended nor eligible for reenlistment.

Regulations direct the assignment of an RE-4 reenlistment code when an individual is discharged by reason of misconduct. Given your three NJP's, and 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