



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

TJR  
Docket No: 3684-07  
11 February 2008

[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 7 February 2008. 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 4 September 2003 at age 18 and served for nearly 10 months without disciplinary incident. However, during the period from 2 June to 3 November 2004, you received nonjudicial punishment (NJP) on three occasions for disobedience, 14 periods of absence from your appointed place of duty, four specifications of failure to obey a lawful order, and failure to go to your appointed place of duty.

On 27 September 2005 you received your fourth NJP for failure to go to your appointed place of duty. Shortly thereafter, on 3 October 2005, you were notified of pending administrative separation action 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). On 7 October 2005 your commanding officer recommended discharge under honorable conditions by reason of

misconduct due to a pattern of misconduct. On 14 October 2005 the discharge authority approved this recommendation and directed a general discharge, and on 26 October 2005 you were so discharged 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 desire to reenlist. It also considered your assertion that the RE-4 reenlistment code will hinder your job opportunities in law enforcement. Nevertheless, the Board concluded these factors were not sufficient to warrant a change of your reenlistment code because of the seriousness of your repetitive misconduct, which resulted in four NJPs. Further, an RE-4 reenlistment code is required when a Sailor is separated by reason of misconduct. Finally, Sailors separated by reason of misconduct normally receive other than honorable discharges and the Board concluded that you were fortunate to receive a general 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