



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

SMW

Docket No: 5581-07
31 January 2008

[REDACTED]

[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 29 January 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.

On 9 June 2000, you enlisted in the Navy at age 18 and served without incident until 16 April 2004, when you had nonjudicial punishment (NJP) for failure to obey a lawful order. You were also counseled regarding deficiencies in your performance and conduct and warned that further infractions could result in disciplinary action or administrative separation. On 8 June 2004, you were honorably released from active duty due to completion of your required active service and assigned an RE-4 reenlistment code. On 11 October 2007, you were honorably discharged due to the expiration of your obligated service.

Regulations authorize the assignment of an RE-4 reenlistment code to members who are released from active duty due to completion of required active service and not recommended for retention. Given your misconduct that resulted in NJP less than two months before you were released from active duty 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