



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

SMW

Docket No: 5732-07
7 February 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 6 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.

On 20 May 1987, you enlisted in the Navy at age 19. During the period 14 to 18 February 1988, you were in an unauthorized absence (UA) status, but it appears that no disciplinary action was taken. On 10 March 1988, you were counseled regarding deficiencies in your performance and conduct. On 29 April 1988, you had nonjudicial punishment (NJP) for four instances of brief periods of UA. You were also counseled regarding deficiencies in your performance and conduct. On 23 June 1988, you had NJP for four instances of absence from restriction muster, dereliction in the performance of your duties, and making a false official statement.

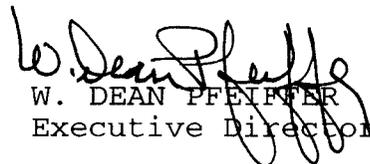
On 23 June 1988, your commanding officer initiated administrative separation by reason of misconduct due to commission of a serious offense. In connection with this processing, you acknowledged that separation could result in an other than honorable (OTH) discharge and waived the right to have your case heard by an administrative discharge board. During the period 26 June to 6 July 1988, you were in a UA status, but it appears that no disciplinary action was taken. On 2 July 1988, the separation

authority approved the discharge recommendation and directed an OTH discharge by reason of misconduct due to commission of a serious offense. On 8 July 1988, you were separated with a general discharge by reason of misconduct due to commission of a serious offense and assigned an RE-4 reenlistment code.

Regulations authorize the assignment of an RE-4 reenlistment code to members who are discharged due to misconduct. Given the reason for discharge 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