



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

TJR
Docket No: 6484-07
13 May 2008

[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 6 May 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 26 May 2000 at age 22 and served for five months without disciplinary infraction. However, during the period from 16 to 23 October 2000, you were in an unauthorized absence (UA) status on two occasions for six days. The record does not, however, reflect the disciplinary action taken, if any, for this misconduct.

On 17 March 2001 you received nonjudicial punishment (NJP) for a 49 day period of UA, failure to go to your appointed place of duty, and missing the movement of your ship. The punishment imposed was a \$300 forfeiture of pay and restriction and extra duty for 20 days.

During the period from 17 March 2001 to 14 November 2002 you were again UA on three more occasions for 22 days, and again the record does not reflect the disciplinary action taken for this misconduct. About a year later, on 4 November 2003, you received NJP for dereliction of duty and were awarded extra duty for 30 days and a \$695 forfeiture of pay.

On 1 August 2004 you submitted a written request for early separation. Your commanding officer recommended your request be approved, and on 2 August 2004 the discharge authority directed an honorable discharge by reason of convenience of the government due to a reduction in force. On 14 September 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 assertion that your reenlistment code is in error because you were honorably discharged by reason of reduction in force. Nevertheless, the Board concluded these factors were not sufficient to warrant a change in the reenlistment code because of your repetitive misconduct and lengthy periods of UA which resulted in two NJPs, and your multiple periods of UA for which you did not receive disciplinary action. Finally, an RE-4 reenlistment code is authorized when a Sailor, who is serving in paygrade E-2, is separated for this reason and is not recommended for retention or reenlistment due to repeated disciplinary incidents. Accordingly, your application has been denied.

You should contact the Department of the Navy, Navy Personnel Command (BUPERS), Sailor Assistance Center, Code Pers-312F, 5720 Integrity Drive, Millington, TN 38055-3120, to request that administrative corrections, such as your correct middle name, address of record, and address of your nearest relative, be made on your Certificate of Release or Discharge from Active Duty (DD Form 214).

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,



ROBERT D. ZSALMAN
Acting Executive Director