



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

SMW  
Docket No: 7801-07  
15 May 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 14 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.

On 27 June 2005, you enlisted in the Navy at age 19. On 13 June 2006, you began an unauthorized absence (UA) that ended on 23 June 2006, a period of about ten days. On 30 June 2006, you had nonjudicial punishment (NJP) for the ten day period of UA. On 5 July 2006, you were counseled regarding deficiencies in your performance and conduct and warned that further infractions could result in disciplinary action or administrative separation. On 25 October 2006, you had NJP for an unspecified violation of Article 80 of the Uniform Code of Military Justice and making a false official statement. Suspended punishment from the NJP dated 30 June 2006, was also vacated.

Based on the information currently contained in the record, it appears that your commanding officer subsequently initiated administrative separation by reason of misconduct due to a pattern of misconduct, and recommended a general discharge.

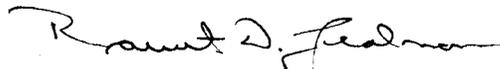
In connection with this processing, you would have acknowledged the separation action and been given an opportunity to submit a statement. Apparently, the separation authority approved the separation recommendation and directed a general discharge by reason of misconduct due to a pattern of misconduct.

On 3 November 2006, you were so discharged and assigned an RE-4 reenlistment code.

Regulations direct assignment of an RE-4 reenlistment code to members who are discharged by reason of misconduct. Given your misconduct that occurred within a five month period of time, 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,



ROBERT D. ZSALMAN

Acting Executive Director