



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

CRS
Docket No: 9080-07
26 September 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 3 September 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 that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Navy on 11 December 1980. You received five nonjudicial punishments and were convicted by a special court-martial. Your offenses included failure to obey a lawful order, possession of alcohol in the bachelor enlisted quarters, willful disobedience to an officer, absence from appointed place of duty, breach of good order and discipline, housebreaking, damaging military property, and assault on a second class petty officer.

A second special court-martial convened on 16 July 1984 and found you guilty of two periods of unauthorized absence totaling five days and possession of marijuana. The court sentenced you to confinement at hard labor for 90 days, forfeiture of \$250 per month for three months, and a bad conduct discharge. You were discharged with a bad conduct discharge on 22 April 1985 and were assigned a reenlistment code of RE-4.

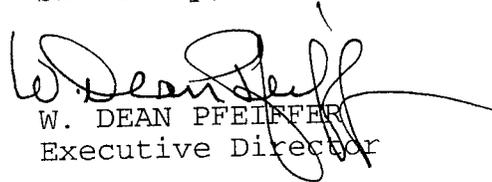
In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth, the passage of time, and the contention that you had previously received a general discharge. The Board concluded that those factors were insufficient to warrant recharacterization of your discharge,

given the nature and severity of your offenses. In this regard, there is no evidence that you previously received a general discharge.

Applicable regulations require the assignment of an RE-4 reenlistment code when an individual receives a bad conduct discharge. 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 your 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