



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

SJN
Docket No: 09168-07
3 November 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 28 October 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 and began a period of active duty on 7 March 2007 at age 22. On 2 April 2007, while in recruit training, you began a period of unauthorized absence (UA) that lasted 96 days, ending on 7 July 2007. On 12 July 2007, you received nonjudicial punishment (NJP) for that period of UA. You received restriction, extra duty, and a forfeiture of pay.

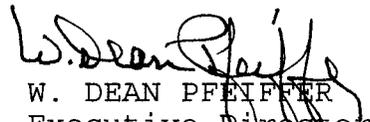
On 20 July 2007, your commanding officer initiated administrative separation action. You elected not to submit a statement and requested copies of the documents that were forwarded concerning your separation. On 26 July 2007, your case was forwarded directing that you be discharged with an entry level separation due to misconduct. You were so discharged on 8 August 2007. At that time, you were assigned a reenlistment code of RE-4.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth and short period of service. Nevertheless, the Board found that these factors were not sufficient to warrant a change in your reenlistment code given your NJP for a period of UA lasting over

three months while in recruit training. Further, an RE-4 reenlistment code must be assigned to all individuals separated during recruit training for misconduct. 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