



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

TJR  
Docket No: 9225-07  
6 November 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 5 November 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 1 June 1994 at age 18 and served for a year without disciplinary incident. However, on 9 June 1995, you received nonjudicial punishment (NJP) for failure to go to your appointed place of duty. The punishment imposed was extra duty and restriction for 45 days and a \$501.15 forfeiture of pay.

On 2 February and again on 12 December 1996 you received NJP for carrying a concealed weapon, drunkenness, and failure to obey a lawful order.

On 15 December 1996 you were notified of pending administrative separation by reason of misconduct due to commission of a serious offense, a pattern of misconduct, and alcohol rehabilitation failure. After consulting with legal counsel you elected to present your case to an administrative discharge board (ADB). On 26 December 1996 an ADB recommended an honorable discharge by reason of misconduct due to commission of a serious offense, a

pattern of misconduct, and alcohol rehabilitation failure. However, on 18 January 1997, your commanding officer concurred with the ADB regarding discharge, but recommended discharge under honorable conditions by reason of misconduct. On 4 February 1997 the discharge authority approved the recommendations for discharge but stated, in part, that although an honorable discharge was in no way warranted, the Navy could not award a less than favorable characterization of service than that awarded by an ADB. As such the discharge authority directed an honorable discharge by reason of misconduct, and on 24 February 1997, 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 desire to change your reenlistment code because it is contradictory to your honorable characterization of service. Nevertheless, the Board concluded these factors were not sufficient to warrant a change of the reenlistment code because of your frequent and repetitive misconduct which resulted in three NJPs. Further, an RE-4 reenlistment code is required when a Sailor is discharged by reason of misconduct and is not recommended for reenlistment. Finally, Sailors discharged by reason of misconduct would normally receive discharges under other than honorable conditions. In this regard, you were fortunate to receive an honorable discharge. 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