



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

TRG  
Docket No: 1223-08  
3 December 2008



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 25 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 that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Navy on 30 July 2001 and apparently served without incident for over four and one half years. On 3 February 2006 you were convicted by a special court-martial of making a false official statement. The court sentenced you to reduction to paygrade E-1, forfeiture of \$824 pay per month for six months and confinement at hard labor for six months. The details of the offense are not filed in your service record. On 29 June 2006 you received a general discharge with a narrative reason for separation of completion of required active service. At that time, you were not recommended for reenlistment and were assigned an RE-4 reenlistment code. The DD Form 214 shows a period of lost time which was apparently the time you spent in confinement.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your apparent period of good service and contention, in effect, that there is no basis for the issuance of a general discharge in your case. Your record is incomplete and the details of the offense for which you were convicted by the special court-martial are unknown, however, it was certainly not a minor offense. Because of your conviction by special court-martial the Board concluded that the discharge was proper as issued and no change is warranted.

Concerning your request to change your reenlistment code, it is clear that your last performance evaluation would have been adverse because of the special court-martial conviction and you would not have been recommended for reenlistment. Therefore, the Board concluded that the RE-4 reenlistment code was properly assigned and no change is warranted.

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, 1



W. DEAN PFEIFFER  
Executive Director