



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

BAN
Docket No: 01488-08
2 October 2008

[REDACTED]

[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 30 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 the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Navy on 20 September 1978, and served without disciplinary incident until February 1979, when you received a nonjudicial punishment (NJP) for failure to obey a lawful order.

Shortly thereafter, you reenlisted on 13 January 1982. On 10 July 1986, you received another NJP for an unauthorized absence, however, the punishment was suspended. On 11 September 1987, your punishment was vacated due to further misconduct. On 23 September 1987, you received another NJP for willfully disobeying a noncommissioned officer.

On 13 January 1988, you were discharged at the end of your

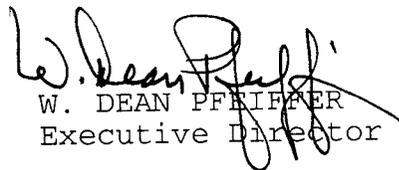
enlistment and received an honorable discharge, and an RE-4 reenlistment code, due to your previous disciplinary actions.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth, including your allegations of racism and prejudice. However, your honorable discharge was based on the type warranted by your service record, which reflected your work performance while in the Navy. The fact that you were allowed to stay in the Navy until the end of your enlistment instead of being separated for a pattern of misconduct or for commission of a serious offense, due to your numerous NJP's, shows no indication of prejudice or vindictiveness. Hence, the Board concluded these factors were not sufficient to warrant a change to your reenlistment code because of the seriousness of your 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