



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

BAN
Docket No: 02879-08
5 February 2009

[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 23 January 2009. 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 13 October 1994, and served without disciplinary incident. However, you were counseled for cohabiting with a married woman; failing to prepare for sea duty, and failure to go to your appointed place of duty. Therefore, you were separated with an entry level separation (ELS) and an RE-4 reenlistment code

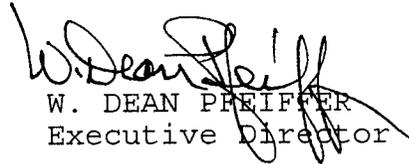
The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth, the passage of time, and your mitigating factors. Your claim that you had a child with the married woman whom you were cohabiting with prior and during your enlistment was considered and reviewed carefully by the Board. However, receiving an ELS discharge is not derogatory and an RE-4 reenlistment code can be waived by another service. Therefore,

the Board concluded these factors were not sufficient to warrant recharacterization of your discharge or changing 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