



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

SJN
Docket No: 03180-08
20 February 2009

[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 18 February 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 and began a period of active duty on 24 July 1987 at age 17. During the period from 29 January 1988 to 29 December 1990, you received seven nonjudicial punishments (NJP's) for six instances of failure to go to your appointed place of duty, assault, drunk and disorderly conduct, three instances of absence from your appointed place of duty, conspiracy, making a false official statement, two periods of unauthorized absence, disobedience, and larceny. Additionally, you were counseled and warned on more than one occasion that further misconduct could result in administrative discharge action.

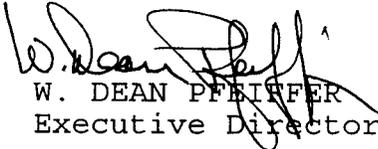
On 31 December 1990, you were notified of pending administrative separation action by reason of misconduct due to a pattern of misconduct. You elected to consult with legal counsel and subsequently requested an administrative discharge board (ADB).

On 6 February 1991 an ADB unanimously found that you had committed misconduct due to a pattern of misconduct, and recommended discharge under other than honorable conditions. On 4 March 1991, your commanding officer concurred with the ADB and forwarded your case to the discharge authority for review. On 15 March 1991, the discharge authority directed an other than honorable discharge by reason of misconduct due to a pattern of misconduct. On 19 March 1991 you were so discharged. At that time you were assigned a RE-4 reenlistment code.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth and overall record of service. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge or a change in the reenlistment code, which was based on your disciplinary record and substandard behavior. In this regard, an RE-4 reenlistment code is required when an individual is separated due to 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