



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

TJR
Docket No: 3314-08
9 July 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 8 July 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 reenlisted in the Naval Reserve on 18 August 2001 and continued to serve without disciplinary incident until May 2002. In this regard, during the period from May 2002 to January 2003 you failed to pay just debts resulting from unauthorized use of a government credit card. As a result, you were notified of pending administrative separation by reason of misconduct due to a pattern of misconduct. Presumably, at that time you waived your right to consult with legal counsel and to present your case to an administrative discharge board (ADB).

Your record also contains a financial statement which notes that as of 13 March 2003 you had attained and failed to pay additional just debts in an amount exceeding \$3,000.

On 21 March 2003 your commanding officer recommended a general discharge by reason of misconduct due to a pattern of misconduct as evidenced by your failure to pay just debts and unauthorized

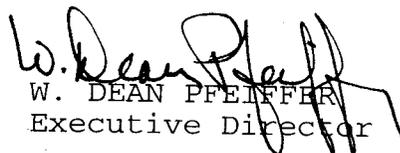
use of a government credit card. Subsequently, the discharge authority approved this recommendation and directed separation under honorable conditions. In April 2003 you were so discharged and assigned an RE-4 reenlistment code.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your prior honorable service and assertion that you have paid your just debts and would now like to reenlist. Nevertheless, the Board concluded these factors were not sufficient to warrant a change of your reenlistment code because of the seriousness of your repetitive misconduct. Further, Sailors discharged by reason of misconduct normally receive discharges under other than honorable conditions, so the Board concluded you were fortunate to receive a general discharge. Finally, an RE-4 reenlistment code is required when a Sailor is discharged by reason of 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