



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

CRS
Docket No: 6353-08
14 October 2008

[REDACTED]

[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 8 October 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.

The Board found that you enlisted in the Navy on 17 November 1994. You received three nonjudicial punishments and were convicted by a summary court-martial. Your offenses included an unauthorized absence, altering an identification card, drunk and disorderly conduct, leaving your appointed place of duty without authorization, breach of the peace, and use of provoking words.

On 6 July 1998 your commanding officer advised you of his intent to recommend that you be separated from the Navy with a discharge under other than honorable conditions by reason of misconduct due to a commission of a serious offense. After being informed of the recommendation for separation, you waived the right to present your case to an administrative discharge board. After review by the discharge authority, the recommendation for separation was approved, and you were discharged by reason of misconduct, on 28 August 1998 with a discharge under other than honorable conditions. You were assigned a reentry code of RE-4.

The Board carefully considered your contentions to the effect that your reentry code should be corrected because you were not afforded the right to elect an administrative discharge board and the notification procedures used in your case called for a

general discharge. The Board found that you waived your rights to an administrative discharge board. It noted that the assignment of a reentry code of RE-4 is required when an individual 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