



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

SJN
Docket No: 06929-08
21 May 2009

[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 13 May 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 12 January 1981 at age 21. You served without incident for over two years until 28 July 1983, when you were convicted by special court-martial (SPCM) of wrongful distribution and introduction of marijuana. You were sentenced to confinement at hard labor, a forfeiture of pay, reduction in paygrade, and a bad conduct discharge (BCD). However, on 13 September 1983, the convening authority suspended your BCD for a period of 12 months, but approved the remainder of your sentence. You were restored to full duty after your release from the brig and later discharged under honorable conditions at the expiration of your enlistment. At that time, you were assigned an RE-4 reenlistment code, and not recommended for reenlistment.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth, overall record of service, and post service accomplishments. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge or a change in the reenlistment code. In this regard, an RE-4

reenlistment code is required when an individual is discharged at the expiration of his term of active obligated service and is not recommended for retention. 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