



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

SJN  
Docket No: 06984-08  
22 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 19 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 1 November 1988 at age 23. During the period from 15 December 1989 to 23 December 1992, you received three nonjudicial punishments (NJP's) for two instances of insubordinate conduct, assault, disobedience, provoking speeches and gestures, and dereliction of duty. On 29 December 1992, you were counseled and warned that further misconduct could result in administrative discharge action. Unfortunately, on 3 March 1993, you received a fourth NJP for unauthorized absence.

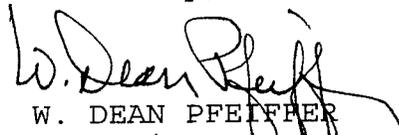
On 22 March 1993, you were notified of pending administrative separation action by reason of misconduct due to a pattern of misconduct. You waived your right to consult with counsel, submit a statement or have your case heard by an administrative discharge board (ADB).

On 26 April 1993, your commanding officer forwarded his recommendation that you be discharged under other than honorable conditions by reason of misconduct. On 26 May 1993, the discharge authority directed an other than honorable discharge by reason of misconduct. On 1 June 1993 you were so discharged. At that time, you were assigned an 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 changing the reason or recharacterization of your discharge given your record of four NJP's, one of which were imposed after you were counseled and warned concerning the consequences of further misconduct. Further, you waived the right to an ADB, your best chance for retention or a better characterization of service. Further, your RE-4 reenlistment code was assigned based on your disciplinary record and substandard behavior. In this regard, an RE-4 reenlistment code is required when an individual is discharged 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