



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

SMS  
Docket No: 7156-08  
10 April 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 8 April 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.

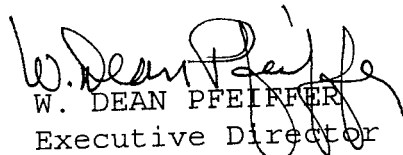
After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

On 30 June 2003, you enlisted in the Navy at age 20. On 1 July 2004, you had nonjudicial punishment (NJP) for having a false or unauthorized pass. You also received an evaluation which stated that your performance was poor, you were counseled on numerous occasions for being late for morning muster, it indicated that you had significant problems, and were not recommended for retention. On 14 January 2005, you had NJP for an unspecified period of UA. On 16 January 2005, your commanding officer initiated administrative separation by reason of misconduct due to a pattern of misconduct. In connection with this processing you acknowledged that separation could result in a general discharge. On 26 January 2005, the separation authority approved the recommendation and directed a general discharge by reason of misconduct due to a pattern of misconduct. On 26 January 2005, you were so discharged and assigned an RE-4 reenlistment code.

Regulations direct assignment of an RE-4 reenlistment code to members who are discharged due to misconduct. Since you have been treated no differently than others in your situation, the Board could not find an error or injustice in the assignment of the RE-4 reenlistment code. 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