



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

BAN
Docket No: 0090-09
22 October 2009

[REDACTED]

[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 16 October 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 on 12 December 1989, and served without disciplinary incident until 30 November 1990, when you received nonjudicial punishment (NJP) for unauthorized absence (UA) in excess of 15 days and missing ship's movement.

Shortly thereafter, you received the following NJP's: on 10 November 1992, for provoking speech or gesture, assault, and drunk and disorderly conduct; on 31 March 1993, for UA; and on 24 June 1993, for UA. On 29 October 1993, you were separated at the end of your obligated service with an honorable discharge and an RE-4 reenlistment code.

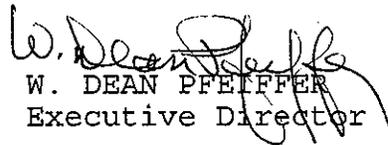
You are advised that in order to be recommended for reenlistment, a service member must be serving in pay grade E-4 or serving in pay grade E-3 with a recommendation for promotion at the completion of his initial term of active duty. Your record shows

you were serving as an E-1 upon discharge.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth. Nevertheless, the Board concluded these factors were not sufficient to warrant a change to your reenlistment code due your misconduct and failure to meet professional growth criteria. 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