



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

CRS  
Docket No: 196-09  
1 September 2009

[REDACTED]

This is in reference to your request for further consideration of 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 5 August 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 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 August 1978. On 13 December 1978 you received nonjudicial punishment for missing muster, drinking on duty, and being drunk on duty. A special court-martial convened on 26 November 1979 and found you guilty of unauthorized absences totaling 123 days. The court sentenced you to confinement at hard labor for two months, forfeiture of \$578.00, reduction in rate to E-1, and a bad conduct discharge. You received the bad conduct discharge on 28 October 1981. You were assigned a reenlistment code of RE-4.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth and overall service. The Board concluded that those factors were insufficient to warrant recharacterization of your discharge, given the nature and severity of your offenses.

The Board noted that applicable regulations require the assignment of an RE-4 reenlistment code when a Sailor receives a punitive discharge. Since the RE-4 reenlistment code was properly assigned in your case and as you have been treated no differently than others in similar situations, there is no basis

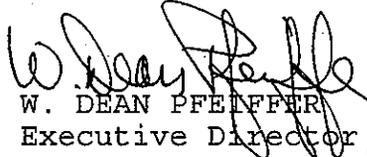
for changing your reenlistment code.

As you have not demonstrated that you should have been promoted at any time following your 24 November 1979 special court-martial, when you were reduced to E-1, there is no basis for correcting your record to show that you were discharged from the Navy in a rank other than E-1.

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