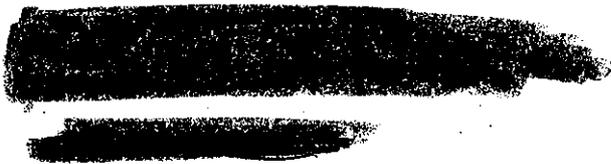




DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

REC
Docket No: 00356-09
6 November 2009



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 28 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.

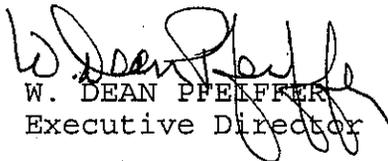
You enlisted in the Navy and began a period of active duty on 6 September 2000, at age 18. Between 15 June 2002 and 13 June 2003, you were the subject of a criminal investigation conducted by the Ridgecrest Police Department and found to be involved in a felony act of credit card theft and obstruction of a public officer. On 28 April 2003, administrative separation action was initiated by reason of misconduct due to a commission of a serious offense. You waived your rights to consult counsel, submit a statement or have your case heard by an administrative discharge board (ADB). Your commanding officer forwarded his recommendation that you be discharged under honorable conditions by reason of misconduct. The discharge authority directed a general discharge by reason of misconduct. On 13 June 2003, 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 found that these factors were not sufficient to warrant changing the

reenlistment code or characterization of your discharge, given your record of serious civil charges. In this regard, an RE-4 reenlistment code is required when an individual is discharged prior to the expiration of his term of active obligated service and is not recommended for retention. The Board also noted that you waived the right to an ADB, your best opportunity for retention or a better characterization of service. The Board believed you were fortunate to have received a general discharge, because most individuals who are separated for misconduct receive an other than honorable characterization. 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