



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

REC
Docket No: 00359-09
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.

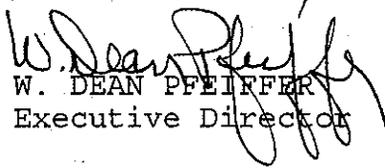
You enlisted in the Navy and began a period of active duty on 30 July 1975, at age 17. On 30 March 1976, you received nonjudicial punishment (NJP) for being in an unauthorized absence (UA) totaling 25 days, and missing the movement of your ship. You were counseled and warned after your NJP that further misconduct could result in an administrative discharge under honorable conditions. On 1 April 1976, you were notified that administrative discharge action was initiated by reason of unsuitability due to apathy and defective attitude. You waived your rights to consult counsel, submit a statement or have your case heard by an administrative discharge board (ADB). On 5 April 1976, 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, test scores, and overall record of service. Nevertheless, the Board found that these factors were not sufficient to warrant changing the reason for your discharge, or reenlistment code given your defective attitude. An RE-4 reenlistment code is required when

an individual is not recommended for retention and discharged due to unsuitability. The Board also noted that you waived the right to an ADB, your best opportunity for retention or a better characterization of service. 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