



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

REC  
Docket No: 00652-09  
7 December 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 3 December 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 26 July 1990, at age 19. On 1 August 1991, you received nonjudicial punishment (NJP) for being absent from your appointed place of duty. On 8 August 1991, you received NJP for disobeying a direct order and a lawful order. On 21 August 1991, you received NJP for again being absent from your appointed place of duty. On 12 November 1991, you received another NJP for being drunk onboard a naval vessel. On 12 November 1991, you were informed that administrative separation action was initiated and you waived your rights to consult counsel, submit a statement or have your case heard by an administrative discharge board (ADB). On 26 November 1991, you received a fifth NJP for breaking restriction.

Your commanding officer forwarded his recommendation that you be discharged under other than honorable conditions (OTH) by reason of a pattern of misconduct. On 2 December 1991, the discharge authority directed an OTH discharge by reason of a pattern of misconduct. On 6 December 1991, 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, overall record of service, and post service accomplishments. Nevertheless, the Board found that these factors were not sufficient to warrant changing the characterization of your discharge, or reenlistment code, given your misconduct which resulted in five NJP's. An RE-4 reenlistment code is required when an individual is not recommended for retention and discharged due to misconduct. 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