



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

REC
Docket No: 02605-09
7 April 2010

[REDACTED]

[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 31 March 2010. 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 23 August 2004. On 19 July 2005, you received nonjudicial punishment (NJP) for failure to obey two lawful orders and being absent without leave. During the evaluation period of 16 July through 9 August 2005, you were not recommended for retention. Your commanding officer stated that you had been an administrative and disciplinary burden. You were notified that you were being processed for administrative separation with a general discharge for misconduct. After you were advised of your rights, you elected to receive copies of documents to be forwarded to the separation authority, but waived all your other procedural rights. Subsequently, on 7 September 2005, you were discharged with a general discharge by reason of your misconduct of serious offense. At that time, you were assigned a reenlistment code of RE-4.

In its review of your application, the Board considered all potentially mitigating factors, such as your youth. However, the Board found these factors were insufficient to warrant changing your reenlistment code due to your misconduct. The Board noted

that applicable regulations authorize the assignment of an RE-4 reenlistment code to individuals who are separated due to misconduct of serious offenses. The Board thus concluded that there is no error or injustice in your reenlistment code. 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