



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

REC
Docket No: 03002-09
20 January 2010

[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 20 January 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.

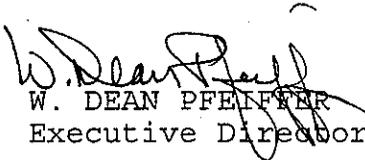
You enlisted in the Navy and began a period of active duty on 20 September 1979, at age 25. On 12 November 1981, you received nonjudicial punishment (NJP) for two occasions of unauthorized absence (UA). On 19 May 1982, you received NJP for the illegal use of hashish. On 26 January 1983, you were convicted at a special court-martial (SPCM) for three periods of being UA totaling 111 days. You were sentenced to forfeiture of \$1425, and confinement at hard labor for 90 days.

On 19 September 1983, administrative separation action was initiated by reason of misconduct due to frequent involvement of a discreditable nature with military authorities. 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 other than honorable conditions by reason of misconduct. On 17 October 1983, the discharge authority directed an other than honorable discharge by reason of misconduct. On 16 November 1983, 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, conduct, 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 two NJP's and conviction by one SPCM. 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 for misconduct 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. 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