



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

TJR
Docket No: 3264-09
26 March 2010



This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, 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 23 March 2010. The names and votes of the members of the panel will be furnished upon request. 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 on 23 April 2000 and began a period of active duty on 22 August 2002 at age 18. You served without disciplinary incident until 17 March 2004, when you received nonjudicial punishment (NJP) for failure to obey a lawful order, specifically, underage drinking. The punishment imposed was restriction and extra duty for 10 days, a \$100 forfeiture of pay, and reduction to paygrade E-3. The paygrade reduction was suspended for six months.

On 21 August 2006, while serving in paygrade E-4, you were honorably released from active duty upon completion of your required active service and assigned an RE-4 reenlistment code.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth, overall satisfactory service, and desire to change

your reenlistment code so that you may reenlist since you are subject to active duty recall. Nevertheless, the Board concluded these factors were not sufficient to warrant a change of your reenlistment code because of your misconduct, which resulted in NJP. Accordingly, your application has been denied.

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