



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

CRS
Docket No: 3364-09
22 March 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 6 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 that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Navy on 10 July 1996. You received nonjudicial punishment on two occasions for offenses that included failure to obey a lawful order, incurring debt, and failure to pay debts.

On 17 July 2000 your commanding officer recommended that you be separated from the Navy with a discharge under other than honorable conditions by reason of misconduct due to the commission of a serious offense. On 15 September 2000, you were discharged under other than honorable conditions by reason of misconduct/commission of a serious offense, and assigned a reentry code of RE-4. Due to an administrative error, you were issued a DD Form 214 which lists expiration of obligated service as the reason for your separation. On 1 April 2004, the Naval Discharge Review Board directed that the reason for your discharge as shown on your DD Form 214 be changed to misconduct/commission of a serious offense, and this Board later upgraded your discharge to general.

Applicable regulations required the assignment of a reentry code of RE-4 when a Sailor is being discharged by reason of misconduct. In the absence of evidence which demonstrates that your discharge by reason of misconduct is erroneous or unjust, there is no basis for any corrective action in your case. 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