



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

TJR  
Docket No: 4001-09  
2 April 2010

[REDACTED]

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 30 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 8 September 1998 at age 18. You served without disciplinary incident until 10 March 2003, when you received nonjudicial punishment (NJP) for burglary. The punishment imposed was a \$408 forfeiture of pay and reduction to paygrade E-4, which was suspended for six months. Also contained in your record is a performance evaluation for the period from 18 October 2002 to 15 March 2003 that states, in part, that due to the NJP you were not recommended for retention.

Subsequently, you were processed for an administrative separation by reason of misconduct due to commission of a serious offense. At that time you waived your right to consult with legal counsel. The discharge authority directed your commanding officer to issue you an honorable discharge by reason of misconduct due to commission of a serious offense as evidenced by the burglary offense. On 7 April 2003 you were so discharged and were 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 prior honorable service and desire to change your reenlistment code. Nevertheless, the Board concluded these factors were not sufficient to warrant a change in your reenlistment code because of the seriousness of your misconduct. The Board also concluded that the nonrecommendation for retention or reenlistment was sufficient to support the assignment of an RE-4 reenlistment code, which is authorized by regulatory guidance. 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