



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

SJN  
Docket No: 04424-09  
19 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 13 April 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 24 July 1987 at age 18. On 16 December 1987 and 20 January 1988, you received nonjudicial punishment (NJP) for larceny, disobedience, 10 days of unauthorized absence, and destruction of government property. Administrative separation action was initiated to separate you by reason of misconduct due to commission of a serious offense. You requested an administrative discharge board (ADB). The ADB met on 17 February 1988 and found that you had committed misconduct and recommended an other than honorable (OTH) discharge. On 26 February 1988, your commanding officer forwarded your case to the separation authority concurring with the ADB that you be separated with an OTH. On 24 March 1988, you received the OTH discharge. 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, record of service, character letters, and post-service accomplishments. Nevertheless, the Board found that these factors were not sufficient to warrant changing your reenlistment code because of

your two NJP's for serious offenses. Finally, an RE-4 reenlistment code must be assigned to all Sailors discharged due to misconduct. 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