



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

TJR
Docket No: 4459-09
30 September 2009

[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 29 September 2009. 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 20 July 1991 at age 18 and served without disciplinary infraction until 2 January 1992, when you received nonjudicial punishment (NJP) for absence from your appointed place of duty. Shortly thereafter, on 20 March and again on 12 April 1992, you received NJP for two periods of absence from your appointed place of duty.

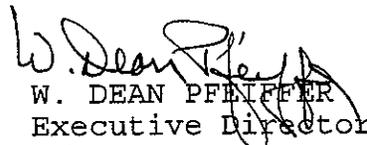
Subsequently, on 23 April 1992, you were notified of pending administrative separation action by reason of misconduct due to a pattern of misconduct. After consulting with legal counsel, you elected to present your case to an administrative discharge board (ADB). On 1 June 1992 an ADB recommended discharge under honorable conditions by reason of misconduct due to a pattern of misconduct. On 5 June 1992 your commanding officer also recommended discharge under honorable conditions by reason of misconduct. On 11 July 1992 the discharge authority approved

these recommendations and directed your commanding officer to issue you a general discharge by reason of misconduct due to a pattern of misconduct, and on 29 July 1992, you were so discharged 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, post service conduct, and desire to change your reenlistment code for employment purposes. Nevertheless, the Board concluded these factors were not sufficient to warrant a change of your reenlistment code because of the seriousness of your repetitive misconduct which resulted in NJP on three occasions. Further, an RE-4 reenlistment code is required when a Sailor is separated by reason of misconduct. 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