



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

TJR
Docket No: 6271-09
2 June 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 1 June 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 30 May 2000 at age 18. You served for nearly two years without disciplinary incident, but on 5 May 2002, you received nonjudicial punishment (NJP) for cruelty and maltreatment and assault consummated by battery. The punishment imposed was restriction and extra duty for 10 days, reduction to paygrade E-2, and a \$1,300 forfeiture of pay. The forfeitures and paygrade reduction were suspended for six months.

On 31 July 2004 you received NJP for assaulted consummated by battery and were awarded restriction and extra duty for 45 days, reduction to paygrade E-2, and a \$1,412 forfeiture of pay.

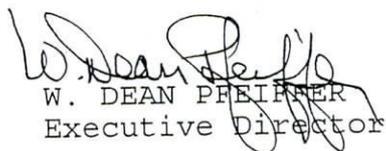
On 29 May 2005, upon completion of your required active service, you were honorably discharged and assigned an RE-4 reenlistment code.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and desire to change your reenlistment code so that

you may reenlist in another branch of the service. Nevertheless, the Board concluded these factors were not sufficient to warrant a change in your reenlistment code because of the seriousness of your misconduct which resulted in two NJPs. Further, the Board concluded that your misconduct 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