



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

REC  
Docket No: 08313-09  
10 June 2010

[REDACTED]

[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 9 June 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. In this regard, the Board substantially concurred with the comments contained in the advisory opinion.

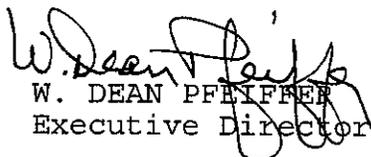
You enlisted in the Navy on 26 April 2000. On 4 August 2000, you were arrested for a Class D felony for stealing a case of beer from a closed grocery store. Between 23 March 2001 and 13 April 2003, you received seven nonjudicial punishments (NJP's). You committed the following offenses: 34 instances of being in an unauthorized absence status (UA), and two instances of failure to obey a lawful order. On 5 December 2003, administrative discharge procedures were initiated and you were informed that you would receive a general discharge for the misconduct and substandard performance. On 22 December 2003, you were so discharged with a general discharge. At that time you 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 youth. However, the Board found that these factors were not sufficient to warrant any change in reenlistment code, given your record of seven NJP's for misconduct. In this regard, an RE-4 reenlistment code is required when an individual is discharged

prior to the expiration of his term of active obligated service for misconduct and is not recommended for retention. The Board also noted that you were fortunate to receive a general discharge since a characterization under other than honorable conditions is often directed when an individual is separated for 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