



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

TAL  
Docket No: 10024-09  
25 June 2010



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 23 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.

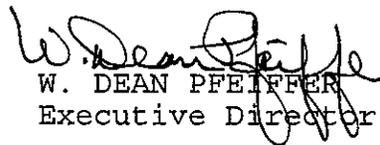
You enlisted in the Navy and began a period of active duty on 8 July 2004 at age 26. You received nonjudicial punishment on two occasions for failure to obey a lawful order, larceny and wrongful appropriation. You were counseled regarding your misconduct and warned that further offenses could result in administrative separation. Based on the information currently contained in your record it appears that you were subsequently involuntarily processed for a general discharge due to a pattern of misconduct. In connection with this processing, you would have acknowledged the separation action. On 16 August 2007, the separation authority directed a general discharge by reason of misconduct due to a pattern of misconduct. On 5 September 2007 you were so discharged and assigned an RE-4 reenlistment code.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth, overall record of service and desire to change your reenlistment code. Nevertheless, the Board found that these factors were not sufficient to warrant a change of your reenlistment code given the seriousness of your misconduct. The Board also believed that

you were fortunate to receive a general discharge in light of your misconduct. 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