



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

SJN
Docket No: 12406-09
2 September 2010

[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 31 August 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 and began a period of active duty on 17 June 1964. The Board found that you were convicted by civil authorities of carrying a concealed weapon. You received a suspended period of confinement, and were placed on one year probation. On 26 November 1965, you were convicted by special court-martial (SPCM) of two specifications of unauthorized absence (UA) totaling 50 days, selling another Sailor's military identification (ID) card, larceny of nine military ID cards and \$5.00 in currency, and breaking restriction. You were sentenced to confinement at hard labor, a reduction in paygrade, and a forfeiture of pay. Based on the information currently contained in your record, you remained on active duty until 26 May 1967, when you received a general discharge by reason of convenience of the government under an early separation program. At that time it appears you were not recommended for retention, 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 RE-4 reenlistment code. Nevertheless, the Board concluded these factors were not sufficient to warrant such a change of your RE-4 reenlistment code given your misconduct that resulted in a civil and SPCM conviction for very serious offenses. Finally, an RE-4 reenlistment code is required when a Sailor is discharged and not recommended for retention. In this regard, you were assigned the appropriate reenlistment code based on your circumstances. 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