



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

TJR
Docket No: 12874-09
1 October 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 21 September 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 Naval Reserve on 8 August 1979 at age 17 and began a period of active duty on 11 January 1980. You served for a year and seven months without disciplinary incident, but on 22 July 1981, you received nonjudicial punishment (NJP) for two specifications of disrespect and disorderly conduct.

On 29 January and again on 5 April 1982 you received NJP for a five day period of unauthorized absence and wrongful possession of alcoholic beverages onboard your ship. On 29 November 1982 you received your fourth NJP for using provoking speech or gestures, failure to obey a lawful order, communicating a threat, breach of the peace, operating a vehicle without a license, and missing the movement of your ship.

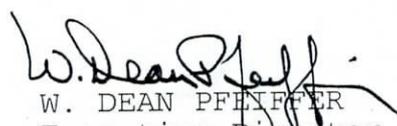
On 6 January 1983, while serving in paygrade E-1 and upon completion of your required active service, you were honorably released from active duty and transferred to the Navy Reserve. At that time you were not recommended for reenlistment and were assigned an RE-4 reenlistment code. On 12 August 1985 you were honorably discharged at the expiration of your enlistment.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth, post service conduct, desire to change your reenlistment code so that you may reenlist, and the passage of time. Nevertheless, the Board concluded these factors were not sufficient to warrant a change in your reenlistment code because of your misconduct which resulted in four NJPs. Further, the Board concluded that your misconduct and nonrecommendation for reenlistment were sufficient to support the assignment of an RE-4 reenlistment code, which is authorized by regulatory guidance. Accordingly, your application has been denied.

The Board suggested that you may wish to apply for a waiver of your RE-4 reenlistment code with branches of the armed forces other than the Navy.

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 PFENNER
Executive Director