



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

TAL  
Docket No: 13127-09  
3 September 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 September 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 10 August 1999 at age 18. You received nonjudicial punishment (NJP) on five occasions for two instances of willfully disobeying a lawful order, two instances of making false official statements, larceny of another's personal property, jumping from a vessel into the water and two instances of unauthorized absence (UA) from your unit. You were counseled regarding your misconduct and warned that further offenses could result in administrative separation. Based on the information currently contain in your record it appears that you were subsequently processed for administrative separation. In connection with this processing, you would have acknowledged the separation action and the discharge authority would have approved a recommendation for separation. The record clearly shows that on 19 May 2005, you were discharged with a general discharge due to misconduct. At that time, you were assigned an RE-4 reenlistment code.

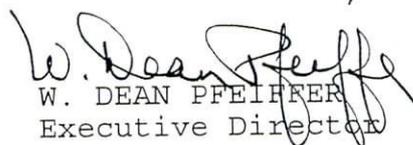
The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth and overall record of service. Nevertheless, the Board found that

these factors were not sufficient to warrant changing your reenlistment code given the seriousness of your misconduct that resulted in five NJPs. An RE-4 reenlistment code must be assigned to all Sailors discharged due to misconduct. Finally, the Board also believed that you were fortunate to receive a general discharge since a separation under other than honorable conditions is often directed when a Sailor 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.

The Board also noted that you are entitled to submit the attached Application for the Review of Discharge or Dismissal from the Armed Forces of the United States (DD Form 293) to the Naval Council of Personnel Review Boards, Attention: Naval Discharge Review Board (NDRB), 720 Kennon Street SE, Room 309, Washington Navy Yard, Washington, District Columbia 20375-5023, for consideration of an upgrade of your discharge and a change in your narrative reason for discharge.

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

Enclosure