



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

BJG
Docket No: 762-10
5 October 2010

[REDACTED]

[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 5 October 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.

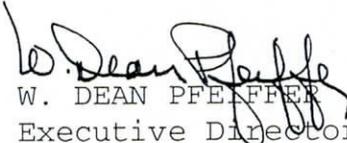
After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. The Board found that you entered active duty in the Navy on 30 January 2003. You received nonjudicial punishment on two occasions for driving under the influence of alcohol and drunk and disorderly conduct. You were also involved in another drunk and disorderly offense for which no disciplinary action was taken. You were notified that your commanding officer was recommending you for administrative separation due to a pattern of misconduct. On 4 August 2005, you received a general discharge due to a pattern of misconduct, and were assigned an RE-4 (not recommended for retention) reenlistment code.

In its review of your application, the Board carefully weighed all potentially mitigating factors, such as your youth, desire to reenlist in the armed forces, and post service Bachelor's Degree. However, the Board concluded that your reenlistment code should not be changed because of your misconduct. The Board concluded that you were fortunate to receive a general characterization of service, because individuals who are separated for misconduct such as yours normally receive an other than honorable discharge. In view of the above, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

You are advised that since your discharge is less than 15 years old, you may apply to the Naval Discharge Review Board (NDRB) for a possible upgrade. I have included NDRB's application for your convenience.

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 PFEFFER
Executive Director

Enclosure