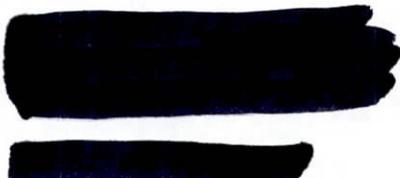




DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

TAL
Docket No: 1596-10
17 November 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 10 November 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 12 February 1998 at age 20. You received nonjudicial punishment (NJP) on two occasions for failure to obey a lawful order, unauthorized disposal of classified material and larceny. After your first NJP, 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 separation by reason of a pattern of misconduct. In connection with this processing, you would have acknowledged the separation action and the separation authority would have approved a recommendation for separation. The record clearly shows that on 3 September 2003, you were discharged with a general characterization by reason of a pattern of misconduct. At that time you were assigned an RE-4 reentry code, which means that you are neither recommended nor eligible for reenlistment.

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 join the Naval Reserve.

Nevertheless, the Board found that these factors were not sufficient to warrant changing your reentry code given the seriousness of your misconduct. Finally, an RE-4 reentry 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.

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 enclosed a copy of NDRB's application (DD Form 293) 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 PFEIFFER
Executive Director