



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

REC
Docket No: 02327-10
10 March 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 10 March 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 on 7 August 2007, at age 20. On 15 April 2008, you received nonjudicial punishment (NJP) for adultery, fighting, resisting arrest, and escaping custody. On 24 October 2008, you were notified that administrative discharge procedures were initiated and that you would receive a reenlistment code of RE-4 upon your discharge. You waived your rights to consult counsel, submit a statement or have your case heard by an administrative discharge board (ADB). Your commanding officer forwarded his recommendation that you be discharged with a general discharge by reason of your misconduct for commission of a serious offense. On 6 November 2008, the discharge authority directed a general discharge by reason of misconduct due to commission of a serious offense and alcohol rehabilitation failure. You were so discharged on 26 November 2008.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth. However, the Board found that these factors were not sufficient to warrant any change in your character of service, or

reenlistment code given your record of NJP for a serious offense. The Board also noted that you were fortunate to receive a general discharge since a separation under other than honorable conditions is often directed when an individual is found to have committed misconduct, especially in the capacity that you held as a master at arms. The Board noted that you waived your right to an ADB, your best opportunity for retention or a better characterization of service. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

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