



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

REC  
Docket No: 03822-10  
28 January 2011

[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 26 January 2011. 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 15 July 1986. On 8 April 1987, you received nonjudicial punishment (NJP) for theft from the Navy Exchange. On 28 December 1988, you received NJP for disobeying a lawful order. On 3 March 1989, you received NJP for wrongfully appropriating a flight jacket. On 21 August 1989, you received NJP for being absent from your appointed place of duty. On 8 September 1989, you were advised that your commanding officer was recommending you for administrative separation with an other than honorable (OTH) discharge due to misconduct. You waived all of your procedural rights, including your right to an administrative discharge board (ADB). However, after being warned, you continued your misconduct. On 13 September 1989, you received NJP for dereliction in the performance of your duty. On 28 September 1989, you received your sixth NJP for being absent from your appointed place of duty. On 13 October 1989, the discharge authority directed the OTH discharge by reason of misconduct. On 19 October 1989, you were so discharged. 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, conduct, and overall record of service. Nevertheless, the Board found that these factors were not sufficient to warrant changing your reenlistment code, given your record of six NJPs for misconduct. In this regard, an RE-4 reenlistment code is required when an individual is discharged for misconduct and is not recommended for retention. The Board noted that although your character of service was upgraded by the Naval Discharge Review Board (NDRB), based on improper discharge procedures, the basis for your separation was not changed. 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