



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

REC
Docket No: 05221-10
3 March 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 2 March 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.

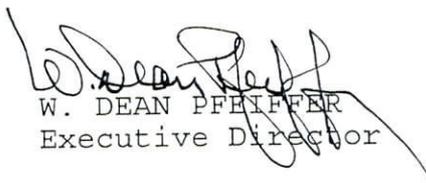
You enlisted in the Navy and began a period of active duty on 17 July 1996, at age 17. On 9 July 1997, you received counseling concerning your lack of responsibility. On 14 July 1997, you received counseling concerning being late for work. On 9 September 1997, you received nonjudicial punishment (NJP) for two incidents of assaulting fellow Sailors. On 3 September 1998, you received NJP for being in an unauthorized absence (UA) status for 16 days, and missing the movement of your ship. On 28 July 1999, you were convicted by a summary court-martial (SCM) of wrongful possession and use of a controlled substance. You were sentenced to a forfeiture of \$639, reduction in pay grade, and confinement for 30 days. 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). Your commanding officer forwarded his recommendation that you be separated with an OTH discharge by reason of misconduct. The discharge authority

directed an OTH discharge by reason of misconduct. On 7 September 1999, you were so discharged. At that time you were assigned an RE-4 reentry 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 characterization of your discharge, given your record of two NJP's and conviction by a SCM of misconduct. In this regard, an RE-4 reentry code is required when an individual is discharged for misconduct and is not recommended for retention. The Board also noted that you waived the 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