



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

BJG
Docket No: 5457-10
2 February 2011



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 1 February 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 that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You entered active duty in the Navy on 9 September 2008. While at the Naval Submarine School as a student, you received nonjudicial punishment (NJP) for larceny and wrongful use of another Sailor's credit card in the amount of \$761.81. You did not appeal the NJP. You were notified that you were being recommended for administrative separation due to misconduct (commission of a serious offense). On 10 November 2009, you received a general discharge (under honorable conditions) due

to misconduct (commission of a serious offense), and were assigned an RE-4 (not recommended for retention) reentry code.

In its review of your application, the Board carefully weighed all potentially mitigating factors, such as your youth, allegation that the larceny was a mistake, and character references. However, the Board concluded that neither your reentry code nor your separation code should be changed due your NJP for larceny. The Board noted that you waived your right to appeal the NJP. The Board also noted that you were fortunate to receive a general discharge, since most Sailors who are administratively separated for misconduct receive a characterization under other than honorable conditions. 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.

Since your discharge is less than 15 years old, you may apply to the Naval Discharge Review (NDRB) for a possible upgrade. I have enclosed a copy of NDRB's application form 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

Enclosure