



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

TJR
Docket No: 6096-10
24 March 2011

[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 22 March 2011. The names and votes of the members of the panel will be furnished upon request. 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 24 May 2000 at age 21 and began a period of active duty on 9 June 2000. You served without disciplinary incident until 7 August 2002, when you received nonjudicial punishment (NJP) for absence from your appointed place of duty and failure to obey a lawful order.

On 7 March and 28 April 2005 you received NJP for drunk and disorderly conduct and absence from your appointed place of duty. Subsequently, you were processed for an administrative separation by reason of misconduct due to a pattern of misconduct. The discharge authority directed discharge under honorable conditions by reason of misconduct due to a pattern of misconduct. On 24 June 2005, you were issued a general discharge and assigned an RE-4 reenlistment code.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth, post service conduct, and desire to change your reenlistment code. It also considered your assertion that your

discharge was the result of one minor offense. Nevertheless, the Board concluded these factors were not sufficient to warrant a change of your reenlistment code because of the seriousness of your repetitive misconduct which resulted in four NJPs. Further, there is documented evidence in the record that is contrary to your assertion that your discharge was the result of one minor offense. Finally, Sailors separated by reason of misconduct must receive an RE-4 reenlistment code, and would normally receive discharges under other than honorable conditions. Accordingly, your application has been denied.

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