



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

TJR  
Docket No: 6134-10  
8 April 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 5 April 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 22 September 2001 at age 19 and began a period of active duty on 10 January 2001. You served for about nine months without disciplinary incident, however, on 12 September 2002, you received nonjudicial punishment (NJP) for absence from your appointed place of duty. The punishment imposed was restriction and extra duty for 15 days and a \$552 forfeiture of pay.

Your record contains three performance evaluations for the period from 22 August 2003 to 15 July 2005 which reflect that you were not recommended for advancement, retention, or reenlistment. Your record also contains pre-separation documentation dated 13 December 2005 in which you acknowledged that you were ineligible to be retained in the service.

On 9 January 2006 you were released from active duty under honorable conditions and transferred to the Naval Reserve. On 9 January 2010, at the expiration of your enlistment, you received a general discharge.

Character of service is based, in part, on conduct and overall trait averages which are computed from marks assigned during periodic evaluations. Your conduct average was 2.39. An average of 2.5 in conduct was required at the time of your separation for a fully honorable characterization of service.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and desire to upgrade the characterization of your general discharge and change your reenlistment code. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your general discharge or change your RE-4 reenlistment code because of your misconduct, which resulted in NJP, your insufficiently high conduct average, which did not warrant a fully honorable characterization of service, and your nonrecommendation for retention and reenlistment. 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