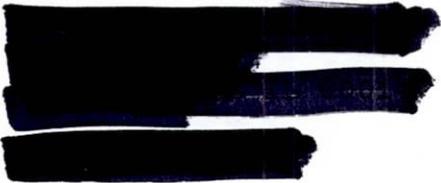




DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

TAL  
Docket No: 8261-10  
13 April 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 6 April 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.

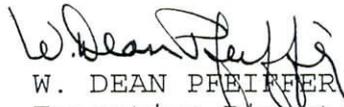
You reenlisted in the Navy on 3 February 1986 after more than three years of prior honorable service. You received nonjudicial punishment (NJP) on three occasions for unauthorized absence (UA) from your place of duty, three instances of failure to go to your appointed place of duty, disrespectful language toward a superior officer, two instances of failure to obey a lawful order, an unauthorized pass offense and dereliction in the performance of duty. After your second NJP, you were counseled regarding your misconduct and warned that further offenses could result in administrative separation. On 6 October 1987, you were notified of pending administrative discharge processing with a general discharge due to misconduct (pattern of misconduct). After consulting with legal counsel, you elected to present your case to an administrative discharge board (ADB). On 27 October 1987, the ADB found that you committed misconduct and recommended that you be separated with a general discharge. The separation authority agreed with the finding and recommendation of the ADB

and directed your commanding officer to issue you a general discharge by reason of misconduct due to a pattern of misconduct and on 16 November 1987, and 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, prior honorable service and desire to reenlist. Nevertheless, the Board found that these factors were not sufficient to warrant changing your reenlistment code given the seriousness of your misconduct that resulted in three NJPs. Finally, an RE-4 reenlistment code must be assigned to all Sailors discharged due to misconduct. The Board believed you were fortunate to receive a general discharge since Sailors who are separated for misconduct often receive other than honorable characterizations 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