



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

TAL
Docket No: 166-11
30 September 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 28 September 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 15 December 2008 at age 18. On 17 February 2010, you received nonjudicial punishment (NJP) for five instances of failure to obey a lawful written regulation, seven instances of failure to go at the prescribed time to your appointed place of duty, and insubordinate conduct toward a superior noncommissioned officer. On 31 July 2010, you received NJP for disobeying a lawful order. On 5 October 2010, you were notified of pending administrative discharge processing with a general discharge due to a pattern of misconduct. You waived all of your procedural rights, including your right to an administrative discharge board (ADB). On 26 October 2010, you were discharged with a general characterization of service, and an RE-4 (not recommended for reenlistment) reentry code.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth and overall record of service. Nevertheless, the Board found that these factors were not sufficient to warrant change in your reentry code given the seriousness of your misconduct. The Board

also believed that you were fortunate to receive a general discharge since a discharge under other than honorable conditions is often directed when a Sailor is separated for misconduct. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

The Board also noted that you are entitled to submit the attached Application for the Review of Discharge or Dismissal from the Armed Forces of the United States (DD Form 293) to the Naval Council of Personnel Review Boards, Attention: Naval Discharge Review Board (NDRB), 720 Kennon Street, SE, Room 309, Washington Navy Yard, Washington, DC 20375-5023, for consideration of an upgrade of your discharge and a change in your narrative reason for discharge.

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