



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

REC
Docket No: 00979-11
3 November 2011

[REDACTED]

[REDACTED]

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 2 November 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 10 February 1993, at the age of 19. On 15 May 1994, you received nonjudicial punishment (NJP) for four incidents of unauthorized absence (UA), dishonorably failing to pay a debt to a fellow Sailor in the amount of \$106, and indebtedness to a fellow Sailor by wrongfully using his calling card in the amount of \$800. On 27 September 1994, you received NJP for failure to obey a lawful order to pay just debts. On 18 December 1994, you were advised that your commanding officer was recommending you for administrative separation with an other than honorable (OTH) discharge due to misconduct. You waived all of your procedural rights, including your right to an administrative discharge board (ADB). On 20 January 1995, the discharge authority directed the OTH discharge by reason of misconduct. On 9 February 1995, you were so discharged. At that time you were assigned an RE-4 reentry code.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth, conduct, and overall record of service. Nevertheless, the Board found

that these factors were not sufficient to warrant changing your characterization of service, narrative reason for separation, and reentry code, given your record of two NJPs for misconduct. In this regard, an RE-4 reentry code is required when an individual is discharged for misconduct and is not recommended for retention. The Board noted that your contention of not receiving a Good Conduct Medal, and you are advised that it is only issued to individuals who have served honorably for three consecutive years, and not for a humanitarian act. Regarding your request for a Certificate for participation in a Shell Back initiation, you are advised that it would have been issued by the command you were attached to at the time. 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