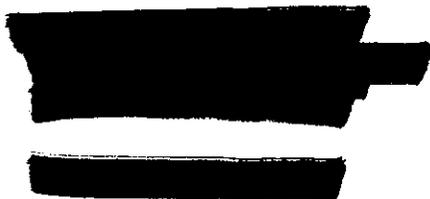




DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE ROAD, SUITE 1001
ARLINGTON, VA 22204-2490

SJN
Docket No: 03135-11
17 January 2012



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 12 January 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 and began active duty on 4 September 1990. On 8 February and 2 April 1991, you received nonjudicial punishment (NJP) for unauthorized absence (UA), two instances of larceny of personal property, larceny of government property, and larceny of currency from another Sailor. During the period from 26 June to 7 December 1992, you had three periods of UA totaling 157 days. On 19 January 1993, you were convicted by special court-martial (SPCM) of those periods of UA and sentenced to a period of confinement, a reduction in paygrade, and a bad conduct discharge (BCD). You received the BCD on 28 December 1993. At that time you were also assigned an RE-4 reentry code.

The Board, in its review of your record and application, carefully weighed all potentially mitigating factors, such as your youth and desire to upgrade your discharge. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge given your extensive disciplinary record consisting of two NJP's and SPCM conviction of period of UA totaling over five months.

With regard to your reentry code, and RE-4 reentry code is required when an individual is discharged due to a court-martial conviction. 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