



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

BJG
Docket No: 5438-11
28 February 2012

[REDACTED]

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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 28 February 2012. 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 that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You reenlisted in the Navy on 25 July 1983 after more than five years of prior honorable service. You received nonjudicial punishment (NJP) for absence from your appointed place of duty. During 1987, it was determined that during your initial enlistment, you had failed to disclose that you had been convicted by civil authorities of assault, resisting arrest, disorderly conduct, attempted murder, criminal possession of a dangerous weapon, and rape. You were then notified that your commanding officer was recommending you for administrative separation with an honorable characterization of service

discharge due to fraudulent entry. You waived your procedural right to an administrative discharge board (ADB). On 26 June 1987, you received an honorable characterization of service discharge due to fraudulent entry, and were assigned an RE-4 (not recommended for retention) reenlistment code.

In its review of your application, the Board carefully weighed all potentially mitigating factors, such as your prior honorable service. However, the Board concluded that your narrative reason for separation (fraudulent entry) should not be changed due to your failure to disclose your civil convictions. The Board particularly noted that you waived the right to an ADB, your best opportunity for retention. The Board believed that you were fortunate to receive an honorable characterization of service, since a general characterization would normally be assigned due to your NJP. In view of the above, 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