



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

REC
Docket No: 00286-12
27 September 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 26 September 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 the evidence submitted was insufficient to establish the existence of probable material error or injustice.

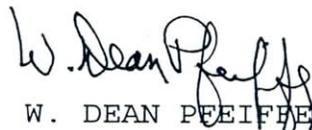
You enlisted in the Navy on 26 August 1983, at age 20. On 27 October 1984, you received nonjudicial punishment (NJP) for malingering. On 13 September 1985, you received NJP for making a false official statement, and malingering. On 7 March 1986, you received NJP for failure to obey a lawful order and being in an unauthorized absence (UA) status. On 9 May 1986, you received NJP for being UA for one day. On 11 October 1986, you received NJP for being UA for 30 days, and missing your ship's movement. On 5 November 1986, you were convicted by a summary court-martial (SCM) of being UA for 30 days, and missing your ship's movement. You were sentenced to reduction in pay grade, and confinement at hard labor for 30 days. On 2 December 1986, 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 16 December 1986, your commanding officer forwarded his recommendation that you be discharged with an OTH characterization of service by reason of misconduct. However, your misconduct continued and on 11 February 1987, you received NJP for being UA for two days. The discharge authority directed an OTH discharge by reason of misconduct (pattern of misconduct). On 26 June 1987, you were so discharged. At that time 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, conduct, and overall record of service. Nevertheless, the Board found that these factors were not sufficient to warrant changing the characterization of your discharge, given your record of six NJP's, and a conviction by one SCM of misconduct. In this regard, an RE-4 reenlistment code is required when an individual is discharged for misconduct and is not recommended for retention. The Board also noted that you waived the right to an ADB, your best opportunity for retention or a better characterization 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 PEEIFFER
Executive Director