



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

REC
Docket No: 00459-12
25 October 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 24 October 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 1 July 2008, at age 18. On 1 July 2008, you signed and acknowledged the Navy's drug and alcohol policy. On 1 April 2010, you received nonjudicial punishment (NJP) for being in an unauthorized absence (UA) status for less than 24 hours, wrongfully using spice, failure to obey a lawful general regulation by wrongfully consuming alcohol while under age on three occasions, and being incapacitated for the proper performance of your duties. On 15 April 2010, you were advised that your commanding officer was recommending you for administrative separation with a general discharge due to misconduct. You requested to have your case heard by an administrative discharge board (ADB). On 20 May 2010, an ADB was conducted and by a vote of two to one recommended that you receive a general characterization discharge due to misconduct (commission of a serious offense). On 15 June 2010, your

commanding officer agreed with the ADB and forwarded his recommendation that you receive a general discharge. The discharge authority directed a general discharge by reason of misconduct (commission of a serious offense). On 7 June 2010, 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 the reentry code, given your record of one NJP 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 did not consider whether your discharge should be upgraded due to the fact that since it is less than 15 years old, you must first apply to the Navy Discharge Review Board (NDRB). Enclosed is a DD Form 293 you must use to apply to the NDRB.

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,



ROBERT D ZSALMAN
Acting Executive Director

Enclosure