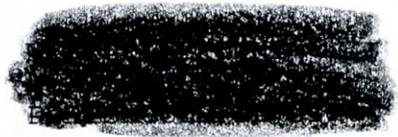




DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
701 S. COURTHOUSE RD SUITE 1001  
ARLINGTON VA 22204-2490

BAN  
Docket No: 02358-12  
27 February 2013



This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, 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 14 February 2013. 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 entered active duty service in the Navy on 19 January 1999, and served without disciplinary incident until 9 June 2000, when you were convicted at a general courts-martial (GCM) for Article 120 violation of the Uniform Code of Military Justice, (rape, sexual assault, and other sexual misconduct), and Article 134 (general order violation). You received confinement for a period of one year, and a dishonorable discharge (DD). Therefore, after appellate review, you were separated on 23 January 2006, with a DD and an RE-4 reentry code (not recommended for reenlistment). However, 21 July 2005, your conviction was set aside and you received an honorable discharge, and RE-4 reentry.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your conviction being set aside. Nevertheless, the Board noted that the RE-4 reentry code you received was authorized. An RE-4

reenlistment. Another branch of the armed forces may be willing to waive it. 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