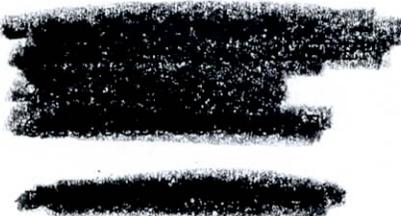




DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
701 S. COURTHOUSE ROAD, SUITE 1001  
ARLINGTON, VA 22204-2490

REC  
Docket No: 03979-12  
27 February 2013



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 21 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 reenlisted in the Navy on 9 September 1982. On 2 February 1983, you were convicted by a special court-martial (SPCM) of drunk and reckless operation of a vehicle, being drunk and disorderly, and assault. You were sentenced to a forfeiture of \$450, and confinement at hard labor for three months. On 22 July 1983, you received nonjudicial punishment (NJP) for wrongful use of marijuana. On 17 November 1983, you received NJP for sleeping on post. On 24 November 1983, your self-inflicted gunshot wound was found to be due to your own misconduct and not in the line of duty. On 8 and 24 March 1984, you received NJPs for willful disobedience of a lawful order. On 10 April 1984, you received NJP for two incidents of failure to obey a lawful order and wrongfully communicating a threat to a senior noncommissioned officer. On 23 March 1984, you were advised that your commanding officer was recommending you for

administrative separation. You elected to have your case heard by an administrative discharge board (ADB). On 6 April 1984, your case was heard by the ADB and by a unanimous vote of 3-0 you were recommended for administrative separation with an other than honorable (OTH) characterization of service due to misconduct. On 6 April 1984, your commanding officer agreed with the ADB and forwarded his recommendation that you be discharged with an OTH characterization of service by reason of misconduct. On 26 April 1984, the discharge authority directed an OTH discharge by reason of misconduct (pattern of misconduct). On 30 April 1984, 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 prior honorable service. Nevertheless, the Board found that these factors were not sufficient to warrant changing the characterization of your discharge, given your record of five NJP's and a conviction by a SPCM 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. 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 PFENFARR  
Executive Director