



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

SJN
Docket No: 05278-12
19 July 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 17 July 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 and began a period of active duty on 18 May 2004. The Board found that during the period from 5 November 2004 to 6 February 2006, you received seven counseling's and warnings regarding your performance and responsibilities. On 21 June 2006, you received nonjudicial punishment (NJP) for 17 days of unauthorized absence (UA). You received restriction, extra duty, and a reduction in paygrade. Subsequently, administrative discharge action was initiated by reason of misconduct due to minor disciplinary infractions. You waived your rights to consult counsel, submit a statement or have your case heard by an administrative discharge board (ADB). Your case was forwarded with the recommendation that you receive a general characterization of service due to misconduct, and you were so discharged on 28 June 2006. At that time, you were assigned an RE-4 reentry code and not recommended for reenlistment.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your record of service. Nevertheless, the Board found that these factors were not sufficient to warrant changing your reentry code given the fact that you were counseled and warned on more than one occasion of the consequences of further misconduct. Finally, an RE-4 reentry code must be assigned to all Sailors discharged due to misconduct. 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