



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

BJG
Docket No: 6580-13
5 March 2014

[REDACTED]

[REDACTED]

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 5 March 2014. 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 that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Navy and entered a period of active duty on 27 February 1995. You accepted nonjudicial punishment (NJP) on two occasions for failure to obey a lawful order (four instances), conspiracy (three instances), making a false official statement, and breaking restriction. You were found guilty at each NJP and did not appeal. Your final performance evaluation did not recommend you for retention. You completed your required active duty on 3 February 1999 in pay grade E-2,

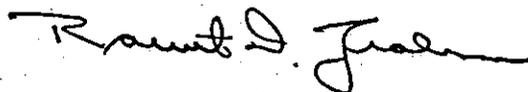
were honorably transferred to the Navy Reserve, and assigned an RE-4 (not recommended for retention) reentry code.

At the completion of an initial period of active duty, a Sailor must be serving in pay grade E-3 and be recommended for promotion to be eligible for reenlistment.

In its review of your application, the Board carefully weighed all potentially mitigating factors, such as your youth and current desire to remove the NJP's from your record. The Board found that you were given the opportunity to consult with counsel prior to your NJP's, and that you signed the Unit Punishment Book acknowledging this. The Board did not consider the reduction in pay grade to be an overly harsh punishment. The Board concluded that you have failed to prove an error or injustice in the NJP's remaining in your official military personnel file. Finally, the Board found that your RE-4 reentry code was correctly assigned in light of your misconduct, non-recommendation for retention, and failure to meet professional growth criteria. In view of the above, 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,



ROBERT D. ZSALMAN
Acting Executive Director

Copy to:
Richard L. Morris, Esq.