



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

TAL
Docket No: 1603-14
12 March 2015

[REDACTED]

Dear [REDACTED]

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.

Although your application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider your application on its merits. A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 25 February 2015. The names and votes of the members of the panel will be furnished upon request. 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 30 May 2002. You served for two years and one month without disciplinary incident, but during the period of 21 July to 17 September 2004, you received nonjudicial punishment (NJP) on two occasions. Your offenses were insubordinate conduct, failure to obey a lawful order, using provoking speech and gestures, carrying a concealed weapon and breaking restriction.

Subsequently, you were notified of pending administrative separation by reason of misconduct due to commission of a serious offense at which time you waived your procedural right to consult with legal counsel. Your commanding officer recommended a general discharge by reason of misconduct due to commission of a serious offense. The discharge authority approved this recommendation and directed a

general characterization of service by reason of misconduct. On 15 October 2004, you were so discharged and at that time you were assigned an RE-4 reentry code, which means that you are neither recommended nor eligible for reenlistment.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your desire to upgrade your reentry code. Nevertheless, the Board concluded these factors were not sufficient to warrant relief in your case because of the seriousness of your repeated misconduct. Finally, an RE-4 reentry code must be assigned to all Sailors discharged due to misconduct. Accordingly, your application has been denied.

The Board also noted that you are entitled to submit the attached Application for the Review of Discharge or Dismissal from the Armed Forces of the United States (DD Form 293) to the Naval Council of Personnel Review Boards, Attention: Naval Discharge Review Board (NDRB), 720 Kennon Street, SE, Room 309, Washington Navy Yard, Washington, DC 20375-5023, for consideration of an upgrade of your discharge and a change in your narrative reason for discharge.

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 within one year from the date of the Board's decision. New evidence is evidence not previously considered by the Board prior to making its decision in your case. 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 J. O'NEILL
Executive Director