



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

TJR  
Docket No: 2045-14  
30 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 17 March 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 13 November 2003. Your record reflects that on 13 February 2006 you received nonjudicial punishment for assault, and were convicted by civil authorities of simple battery on 5 March 2006. As a result, you were administratively separated by reason of misconduct due to commission of a serious offense as evidenced by the civil conviction and on 20 March 2007, while serving in paygrade E4, you received a general discharge under honorable conditions. At that time you were not recommended for retention or reenlistment and were assigned an RE-4 reenlistment code.

Your record further reflects that on 19 October 2010, the Naval Discharge Review Board (NDRB) changed your characterization of service to "honorable" and your narrative reason for separation to "Secretarial Authority."

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your desire to change your RE-4 reenlistment code and to reinstate your paygrade to FC2/E-5 based on the changes in your record made by NDRB. Nevertheless, the Board concluded these factors were not sufficient to warrant relief in your case because of the seriousness of your misconduct in both the military and civilian communities. Further, the Board noted that you were found guilty at NJP and by civil authorities, and as such were reduced in paygrade and not recommended for retention or reenlistment. With that being said, the Board concluded that the changes made by NDRB in no way negated these actions. Finally, the Board believed that you were fortunate to have received a change in your record and concluded that any further change was unwarranted. Accordingly, your application has been denied.

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 within one year from the date of the Board's decision. 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