



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

SJN

Docket No: 0230-14

11 December 2014

[REDACTED]

Dear [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 2 December 2014. 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 18 July 2005. Based on the information currently contained in your record, you received three nonjudicial punishments (NJP) for two periods of unauthorized absence, missing ship's movement, insubordinate conduct, and disobedience. Additionally, you were counseled regarding your conduct, and warned that further misconduct could result in administrative discharge action after your first NJP. Subsequently, administrative discharge action was initiated by reason of misconduct due to a pattern of misconduct. 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 recommending that you received a general discharge by reason of misconduct. The separation authority concurred and directed a general discharge by reason of misconduct. You were so discharged on 9 July 2010. At that time, you were assigned an RE-4 (not recommended for reenlistment) reentry code.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your record of service, changing the reason for your discharge and reentry code, and being reinstated to paygrade E-4. Nevertheless, based on the information currently contained in your record, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge, changing the reason for your discharge or reentry code, or reinstating you to paygrade E-4 given your three NJPs. In this regard, an RE-4 reentry code is required when a Sailor is discharged due to misconduct and is not recommended for reenlistment. The Board noted that you waived the right to an ADB, your best chance for retention or a better characterization of service. Finally, the Board also noted that you were fortunate to receive a general discharge since a discharge under other than honorable conditions is often directed when an individual is discharged for misconduct. Accordingly, your application has been denied.

It is regrettable 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 record, the burden is on the applicant to demonstrate the existence of material error or injustice.

Sincerely,



ROBERT J. O'NEILL
Executive Director