



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

TJR  
Docket No: 4006-14  
23 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.

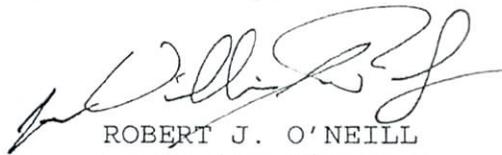
You enlisted in the Navy, began a period of active duty on 1 December 1998, and served for nearly three years without disciplinary incident. However, on 25 October and again on 24 December 2001, you received nonjudicial punishment (NJP) for two periods of absence from your appointed place of duty. You were subsequently processed for separation by reason of misconduct and were not recommended for reenlistment. The discharge authority directed an other than honorable discharge by reason of misconduct, and on 25 March 2002, you were so discharged and assigned an RE-4 reenlistment code.

Your record reflects that on 7 May 2013, the Board, as a matter of clemency, changed your characterization of service to "general under honorable conditions."

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your desire to change your character of service and reenlistment code based on the Board's decision to change the characterization of your service. Nevertheless, the Board concluded these factors were not sufficient to warrant a change in your reenlistment code or further recharacterization of your service. With that being said, the Board concluded that your record of misconduct and nonrecommendation for retention or reenlistment, were sufficient to support the assignment of an RE-4 reenlistment code, and that any further characterization of your service was not warranted. Finally, such a code is authorized and required by regulatory guidance for Sailors who are separated due to 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,

A handwritten signature in cursive script, appearing to read "Robert J. O'Neill".

ROBERT J. O'NEILL  
Executive Director