



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

HCG

Docket No: 4628-14
23 December 2014

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 10 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 8 June 1999. You served without incident for over thirteen years until 8 May 2013, when you received nonjudicial punishment (NJP) for disobedience. Based on the information currently contained in your record, administrative separation action was initiated to separate you by reason of misconduct due to commission of a serious offense. You waived your rights to consult counsel, submit a statement, or have your case heard by an administrative discharge board (ADB). Your commanding officer directed your separation, and on 17 September 2013, you received an honorable discharge. At that time, you were assigned an RE-4 (not recommended for reenlistment) reentry code.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your record of service, desire to upgrade your RE-4 reentry code, and assertion that you were not afforded full due process in your case. Nevertheless, the Board found that these factors were not sufficient to warrant changing your reentry code given your NJP for a serious offense, and the fact that you were discharged due to misconduct. An RE-4 reentry code must be assigned to all Sailors discharged due to misconduct. The Board noted that you were fortunate to receive an honorable discharge since a discharge under other than honorable conditions is often directed when an individual is discharge for misconduct. With regard to your assertion, as stated, in part, in your Naval Discharge Review Board documentary review of 10 July 2014, the separation authority determines whether separation is warranted, not the reporting senior. Additionally, regardless of what your separation worksheet stated, you were notified of the separation proceedings for misconduct, provided an opportunity to present your case before an ADB, but waived that right, thus accepting the narrative reason recommended in your letter of notification. Finally, that you were properly notified and afforded full due process in your case. 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 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