



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

ES
Docket No: 7353-14
4 August 2015

Dear _____ :

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.

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 1 July 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.

You enlisted in the Navy and began a period of active duty on 26 September 2008. Although, the record does not reflect the offenses for which you were separated, it clearly reflects that on 3 September 2009, while serving in paygrade E-3, you were discharged under honorable conditions by reason of misconduct due to commission of a serious offense, and assigned an RE-4 reenlistment code.

The Board, in its review of your record and application, carefully weighed all potentially mitigating factors, such as your desire to upgrade your discharge and change your reenlistment code. Nevertheless, the Board concluded that these factors were not sufficient to warrant relief in your case given your reason for discharge, specifically, misconduct. The Board further concluded that your reason for discharge also supported

the assignment of an RE-4 reenlistment code. With that being said, the Board concluded that your offenses were serious enough to warrant discharge and a non-recommendation for reenlistment, and as such outweighed your desire to change your discharge or reenlistment code. 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,

5 U.S.C 552(b) (6)

ROBERT J. O'NEILL
Executive Director