



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

[REDACTED]  
Docket No: 3130-16

MAR 03 2017

[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 6 January 2017. 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 25 June 1998. It appears you served without incident until 23 September 2004, when you received nonjudicial punishment (NJP) for four specifications of making a false official statement and wearing an unauthorized insignia. As a result of the foregoing, you were notified of proposed administrative separation action by reason of misconduct due to commission of a serious offense. You elected to consult with legal counsel and requested to have your case presented to an administrative discharge board (ADB).

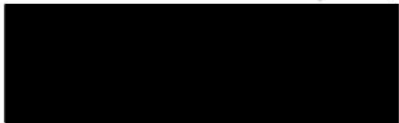
The ADB found you committed misconduct due to commission of a serious offense and recommended that you receive a general (under honorable conditions) discharge (GEN). Your case was forwarded to the separation authority who approved and directed your GEN discharge by reason of misconduct. On 11 February 2005, you were discharged with a GEN characterization of service and assigned an RE-4 (not recommended for reenlistment) reenry code.

  
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The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your record of service, post-service accomplishments, desire to upgrade your reentry code, and contention that your hard work and post-service honesty warrant changing your reentry code so a one-time mistake does not continue to affect your future employment. However, the Board concluded these factors and contention were not sufficient to warrant a change in your reentry code given your misconduct which resulted in your NJP. In this regard, an RE-4 reentry code must be assigned to all Sailors discharged due to misconduct. 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,

  
Executive Director