



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

[REDACTED]
Docket No: 3456-16

MAR 29 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 25 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.

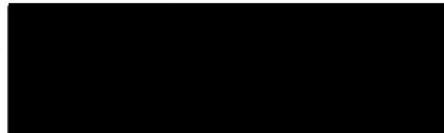
After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You reenlisted in the Navy and began a period of active duty on 12 May 2009. You served for two years and seven months without disciplinary incident, but during the period from 6 January 2012 to 16 May 2012, you received nonjudicial (NJP) punishment on two occasions. Your offenses were failure to go to your appointed place of duty, failure to obey a lawful regulation, and insubordinate conduct toward a noncommissioned officer. Subsequently, you were processed for administrative separation by reason of misconduct due to commission of a serious offense. Prior to this processing, you were advised of your rights, including the right to submit a written statement to be considered by the separation authority. You waived that right. Your commanding officer recommended a General discharge under honorable conditions, and the discharge authority approved the recommendation. On 12 June 2012 you were discharged as directed and assigned an RE-4 (not recommended for reenlistment) reenlistment code.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your desire to change your reentry code to be eligible to reenlist in the military, and your contention that your command should have considered as mitigating the impact your marital disputes had on your conduct. However, the Board concluded these factors were not sufficient to warrant relief in your case due to the seriousness of your misconduct. In regard to your contention, regulatory guidelines state that the administrative separation process encompasses the performance review of a Sailor's entire record, which includes both the military and personal conduct. Further, an RE-4 reentry code must be assigned to all Sailors discharged due to misconduct. The Board also believed that you were fortunate to receive a general discharge, because a characterization of under other than honorable conditions is often directed when a Sailor is separated for misconduct. The Board concluded the RE-4 reentry code is appropriate and no change is warranted. Accordingly, your application has been denied.

It is regretted that the circumstances of your case are such that favorable action cannot be taken at this time. You are entitled to have the Board reconsider its decision upon submission of new and material evidence. New evidence is evidence not previously considered by the Board. 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