



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

CRS
Docket No: 2132-01
19 July 2001

[Redacted]
[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.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 18 July 2001. 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 that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Navy on 19 November 1985 at age 24. Your record reflects that you received three nonjudicial punishments. The offenses included dereliction of duty, insubordination on three occasions, disrespect on two occasions, an unspecified violation of Article 92 of the Uniform Code of Military Justice and an unauthorized absence.

On 21 June 1989 the commanding officer recommended that you be separated with an other than honorable discharge by reason of misconduct due to a pattern of misconduct and commission of a serious offense. When informed of the recommendation, you elected to waive the right to present your case to an administrative discharge board. Subsequently, you received a fourth nonjudicial punishment for willfully disobeying a superior commissioned officer, disrespect, and use of provoking speech. After review by the discharge authority, the recommendation for separation was approved and on 4 August 1989 you were discharged with an other than honorable discharge by reason of a pattern of misconduct. At that time you were assigned a reenlistment code

of RE-4.

On 17 October 1990 the Naval Discharge Review Board changed the characterization of your service to general. However, the reason for separation, misconduct, was not changed.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth and immaturity. However, the Board concluded that these factors were not sufficient to warrant further recharacterization of your discharge, given your record of four nonjudicial punishments.

Applicable regulations require the assignment of an RE-4 reenlistment code when an individual is discharged by reason of misconduct. Since you have been treated no differently than others in your situation, the Board could not find an error or injustice in the assignment of your reenlistment code.

Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

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. 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,

W. DEAN PFEIFFER
Executive Director