



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

TJR
Docket No: 3479-01
31 July 2001

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 31 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 the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found you enlisted in the Navy on 11 May 1987 at the age of 18. Nearly a year later, on 11 March 1988, you were diagnosed with a personality disorder with antisocial schizotypal traits.

Your record reflects that on 8 April 1988 you were convicted by special court-martial (SPCM) of three specifications of attempting to damage government property, resisting arrest, and breach of peace. You were sentenced to confinement at hard labor for 135 days, a \$750 forfeiture of pay, and reduction to paygrade E-1.

On 12 May 1988 you were notified of pending administrative separation by reason of misconduct due to commission of a serious offense. At that time you waived your rights to consult with legal counsel and to present your case to an administrative discharge board. On 13 June 1988 the discharge authority directed your commanding officer to issue an other than honorable

discharge by reason of misconduct due commission of a serious offense. On 21 June 1988 you were so discharged and assigned an RE-4 reenlistment code.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity and your contention that you feel that you deserve the other than honorable discharge, but not the RE-4 reenlistment code. However, the Board concluded these factors and contention were not sufficient to warrant a change in your reenlistment code because of the serious nature of your misconduct. Further, an RE-4 reenlistment code is required when an individual is separated by reason of misconduct. Given all the circumstances of your case, the Board concluded your reenlistment code was proper and no change is warranted. 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