



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

TJR
Docket No: 7215-01
5 April 2002

[REDACTED]

[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 2 April 2002. 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 18 June 1996 at the age of 18. Your record reflects that on 14 September 1996 you were apprehended by civil authorities for theft. On 19 September 1996 you were convicted by civil authorities of the foregoing charge and sentenced to a fine, probation fee, and to perform three days of community service.

Your record also reflects that on 30 January 1997 you received nonjudicial punishment (NJP) for theft of property valued at \$28 from a Navy Exchange and underage drinking. The punishment imposed was restriction for 60 days and a \$800 forfeiture of pay. Subsequently, on 19 March 1997, you were notified of pending administrative separation action by reason of misconduct due to commission of a serious offense and civil conviction. At that time you waived your rights to consult with legal counsel and to submit a letter of rebuttal to the separation. On 31 March 1997 your commanding officer recommended an other than honorable discharge by reason of misconduct due civil conviction. The discharge authority approved the foregoing recommendation and

directed an other than honorable discharge by reason of misconduct due to commission of a serious offense. On 17 October 1997 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 should not have to suffer the rest of your life with an RE-4 reenlistment code. However, the Board concluded these factors and contention were not sufficient to warrant a change of your reenlistment code because of your repetitive misconduct, in both the military and civil communities. Further, an individual separated by reason of misconduct must receive an RE-4 reenlistment code. 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 Board noted that you are entitled to submit the attached Application for the Review of Discharge or Dismissal from the Armed Forces of the United States (DD Form 293) to the Naval Council of Personnel Boards, attention: Naval Discharge Review Board, Building 36, Fourth Floor, Washington Navy Yard, 901 M Street, S. E., Washington, DC 20374-5023 for consideration of an upgrade of your discharge and a change in your narrative reason for discharge.

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

Enclosure