



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

WMP

Docket No: 3918-02
18 October 2002

[REDACTED]

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10 of the 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 17 October 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 that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you reenlisted in the Navy on 22 February 1990 for six years as a second class petty officer (E-5) after approximately three years of active service. Your record reflects that you served without incident until 22 September 1990, when you received nonjudicial punishment (NJP) for dereliction of duty and assault. The punishment imposed was forfeitures of \$500 per month for two months. On 3 July 1991 you received NJP for failure to obey a lawful order. The punishment imposed was a forfeiture of \$100.

On 29 August 1991 you submitted a request to be discharged from the Naval service as a conscientious objector. On 1 October 1991 you were advised of your rights concerning a conscientious objector hearing and elected to personally appear before the

hearing, to submit additional evidence, to question any witnesses who may appear, and to examine all items in your file.

On 12 November 1991, an investigation concerning your request for separation was completed. The investigation essentially found that your religious beliefs were "deeply held," and recommended that your application be approved.

On 23 January 1992 the commanding officer forwarded your request for separation, recommending approval, to the Chief of Naval Personnel (CNP) who approved your request and on 31 March 1992, you were discharged by reason of conscientious objection, and assigned an RE-4 reenlistment code.

In its review of your application the Board carefully weighed all potentially mitigating factors such as your youth and immaturity and your contention that you are no longer a conscientious objector. However, the Board concluded that the reenlistment code was assigned based on your statement that you were a conscientious objector and your specific request for discharge from the Naval service. Additionally, an RE-4 reenlistment code is authorized when an individual is separated by reason of conscientious objection. The Board found that the assignment of this code was warranted due to your conscientious objection and especially the two NJP's. 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