



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

REC
Docket No: 10537-09
9 July 2010

[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 8 July 2010. 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 enlisted in the Navy and began a period of active duty on 25 October 2005, at age 19. On 12 July 2006, you received nonjudicial punishment (NJP) for two instances of making a false official statement, and disorderly conduct by urinating in the mezzanine. On 8 September 2006, you were convicted at a summary court-martial (SCM) for conspiracy to commit larceny and seven instances of stealing property from a government employee. You were sentenced to forfeitures of \$882, reduction in pay grade, and confinement at hard labor for one month. On 8 October 2006, administrative separation action was initiated by reason of misconduct due to frequent involvement of a discreditable nature. Your case was heard by an administrative discharge board (ADB), which voted three to zero in favor of an other than honorable discharge. Your commanding officer concurred with the ADB's recommendation, and forwarded his recommendation that you be discharged under other than honorable conditions by reason of misconduct. The discharge authority directed an other than

honorable discharge by reason of misconduct. On 9 November 2006, you were so discharged. At that time you were assigned an RE-4 reenlistment code.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth, conduct, and overall record of service. Nevertheless, the Board found that these factors were not sufficient to warrant changing the reenlistment code or characterization of your discharge, given your record of one NJP and conviction by one SCM. In this regard, an RE-4 reenlistment code is required when an individual is discharged prior to the expiration of his term of active obligated service for misconduct and is not recommended for retention. 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