



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

CRS
Docket No: 11516-09
26 August 2010

[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 28 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 that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

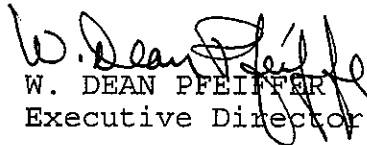
The Board found that you enlisted in the Navy on 22 May 2001. On 14 November 2001 you received nonjudicial punishment for cheating on an examination and wearing a tongue ring.

A special court-martial convened on 12 August 2003 and found you guilty of carnal knowledge and committing indecent acts with two females under 16 years of age. The court sentenced you to confinement for 90 days, a forfeiture of \$750.00 per month for three months, reduction in pay grade, and a bad conduct discharge. You received the bad conduct discharge on 9 February 2005 and were assigned an RE-4 reentry code.

Applicable regulations require the assignment of an RE-4 reentry code when a Sailor receives a punitive discharge. Since the RE-4 reentry code was properly assigned in your and as you have been treated no differently than others in similar situations, there is no basis for changing your reentry 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