



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE ROAD, SUITE 1001
ARLINGTON, VA 22204-2490

SJN
Docket No: 05793-11
22 March 2012



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 20 March 2012. 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.

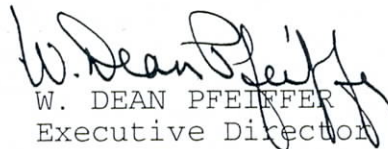
You enlisted in the Navy and began a period of active duty on 9 July 2003. The Board found that on 1 April 2004, you were counseled concerning being absent from your unit. You were warned that further misconduct could result in administrative discharge action. On 27 July and 8 November 2004, you received nonjudicial punishment (NJP) for disobedience, insubordinate conduct toward a petty officer, and absence from your unit. Subsequently, administrative discharge action was initiated by reason of misconduct due to a pattern of misconduct. On 12 December 2004, it was directed that you be separated from the service with a general discharge due to misconduct. You were so discharged on 17 December 2004. At that time, you were assigned an RE-4 reentry code and not recommended for reenlistment.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth and record of service. Nevertheless, the Board found that these factors were not sufficient to warrant changing your reentry code given your two NJP's and the fact that you were warned of the consequences of further misconduct. Finally, an RE-4 reentry

code must be assigned to all Sailors discharged due to misconduct. Finally, the Board noted that you were fortunate to receive a general discharge since a discharge under other than honorable conditions is often directed when an individual is discharged for misconduct. 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