



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

SJN
Docket No: 06068-11
25 August 2011

[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 23 August 2011. 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.

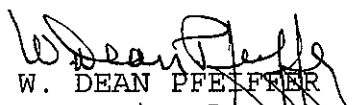
You enlisted in the Navy and began a period of active duty on 20 March 2007. The Board found that on 27 September and 29 October 2007, you received nonjudicial punishment (NJP) for two instances of insubordinate conduct and unauthorized absence. You received restriction, extra duty, and a reduction in paygrade. Subsequently, administrative discharge action was initiated by reason of misconduct due to a pattern of misconduct. You waived your rights to consult counsel, submit a statement or have your case reviewed by the general court-martial convening authority. Your case was forwarded because of your continued behavioral problems, overall poor performance, and failure to respond to counseling and correctional guidance. You received a general discharge by reason of misconduct on 20 November 2007. 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, relatively short period of service, and post service progress with anger management. Nevertheless, the Board found that these factors were not sufficient to warrant changing your reentry code given your two NJP's in such a short period of time, and your failure to respond to counseling and correctional guidance. Further, 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.

The Board did not consider whether to upgrade your discharge or change the reason for separation because you did not request such action, and you have not exhausted your administrative remedy of applying to the Naval Discharge Review Board (NDRB). You may apply to NDRB by submitting the attached DD Form 293.

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