



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

REC
Docket No: 06210-11
22 March 2012

[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 21 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.

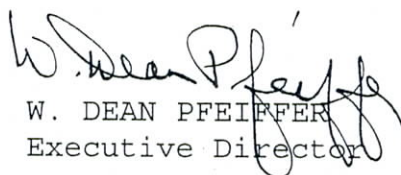
After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Navy on 27 June 1989. On 20 August 1990, you received nonjudicial punishment (NJP) for being absent from your appointed place of duty, failure to obey a lawful order, and being disrespectful toward a petty officer. On 29 October 1990, you received NJP for dereliction in the performance of duty. On 12 December 1990, you were advised that your commanding officer was recommending you for administrative separation with an other than honorable (OTH) discharge due to misconduct (commission of a serious offense). You waived all of your procedural rights, including your right to an administrative discharge board (ADB). On 31 December 1990, the discharge authority directed the OTH discharge by reason of misconduct (commission of a serious offense). On 11 January 1991, you were so discharged. At that time you were assigned an RE-4 reentry code.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth, conduct, and record of service. Nevertheless, the Board found that these factors were not sufficient to warrant changing your characterization of service, given your record of two NJP's for misconduct. In this regard, an RE-4 reentry code is required when an individual is discharged for misconduct and is not recommended for retention. The Board noted that you waived your right to an ADB, your best opportunity for retention or a better characterization of service. 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