



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

CRS
Docket No: 10173-11
6 November 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 22 August 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.

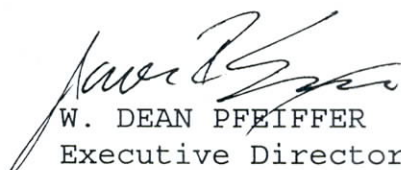
You enlisted in the Navy on 12 July 1990. On 12 February 1991, you received nonjudicial punishment (NJP) for wrongfully possessing and consuming alcohol while under age. On 29 May 1993, you received NJP for abandoning your watch. On 13 February 1995, you were convicted by civil court of first degree reckless endangerment by carrying a pistol without a permit, and sentenced to incarceration for three years. On 6 June 1995, you were advised that your commanding officer was recommending you for administrative separation with an other than honorable (OTH) discharge due to misconduct. You elected to have your case heard by an administrative discharge board (ADB). On 8 September 1995, your case was heard and the ADB recommended that you receive an OTH discharge by reason of misconduct. On 21 November 1995, your commanding officer agreed with the ADB and

forwarded his recommendation that you be discharged with an OTH characterization of service by reason of misconduct. The discharge authority directed the OTH discharge by reason of misconduct. On 14 February 1996, 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 and conduct. Nevertheless, the Board found that these factors were not sufficient to warrant changing your characterization of service, given your record of two NJPs, and one civil conviction of misconduct. In this regard, an RE-4 reentry code is required when an individual is discharged 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