



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

CRS
Docket No: 12236-10
28 January 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 8 December 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 6 September 2000. You received nonjudicial on two occasions for offenses that included failure to obey a lawful order, use and possession of unlawful drugs, and making a false official statement. On 30 November 2002 you were discharged by reason of misconduct with a discharge under other than honorable conditions, and assigned a reentry code of RE-4.

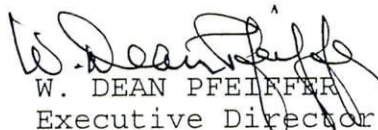
In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth, overall record of service as well as your unsubstantiated contention that since your signature was forged on your discharge documents, your discharge should be upgraded. The Board concluded that those factors are insufficient to warrant upgrade of your discharge or change in reason for discharge, given your disciplinary record and use of illegal drugs.

Applicable regulations require the assignment of an RE-4 reentry code when a Sailor is discharged by reason of misconduct. Since

you have been treated no differently than others in your situation, the Board could not find an error or injustice in the assignment of 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