



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

TJR
Docket No: 11285-10
4 August 2011

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, 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 2 August 2011. The names and votes of the members of the panel will be furnished upon request. 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 1 May 2002 at age 26 and immediately began a period of active duty. You served for nearly three years without disciplinary incident, however, on 6 April 2005, you received nonjudicial punishment (NJP) for disobedience, failure to obey a lawful order, making a false official statement, and two specifications of failure to pay just debts. As a result, you were recommended for an administrative separation.

Subsequently, you were processed for an administrative separation by reason of misconduct due to commission of a serious offense. After waiving your procedural rights to consult with legal counsel and to present your case to an administrative discharge board (ADB), your commanding officer recommended separation under honorable conditions by reason of misconduct due to commission of a serious offense as evidenced by the NJP, indebtedness, failure to pay traffic fines which resulted in arrest warrants, and counselling on numerous occasions. The discharge authority approved this recommendation and directed your commanding officer to issue you a general discharge by reason of misconduct due to

commission of a serious offense, and on 4 May 2005, you were so discharged. At that time you were not recommended for reenlistment and were assigned an RE-4 reenlistment code.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your period of satisfactory service and desire to change your reenlistment code. Nevertheless, the Board concluded these factors were not sufficient to warrant a change of your reenlistment code because of the seriousness of your misconduct. Finally, you were given an opportunity to defend yourself, but waived your procedural right to present your case to an ADB. Accordingly, your application has been denied.

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