



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

BJG

Docket No: 872-13

15 October 2013

[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 10 October 2013. 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.


You enlisted in the Navy and entered active duty on 4 April 1984. You received nonjudicial punishment on four occasions for using provoking speech or gestures, assault, two periods of unauthorized absence (UA) totaling four days, making a false official statement, wrongful appropriation, carrying a concealed weapon, failure to obey a lawful order, and wrongful possession and use of marijuana. On 30 October 1986, you were convicted by a special court-martial (SPCM) of UA, failure to obey a lawful order, damaging property, larceny, bribery, and making a threat. The sentence at your SPCM included a bad conduct discharge

(BCD). On 8 June 1987, the Navy-Marine Corps Court of Military Review dismissed three of your SPCM charges and overturned your BCD. On 28 October 1987, you received an honorable discharge due to convenience of the government (review action), and were issued an RE-4 (not recommended for reenlistment) reentry code.

In its review of your application, the Board carefully weighed all potentially mitigating factors, such as your youth and current desire to upgrade your reentry code. However, the Board concluded that your reentry code should not be changed due to your numerous acts of misconduct, drug abuse, and non-recommendation for reenlistment. The Board believed you were fortunate to receive an honorable characterization of service, since once your BCD was overturned, you should have received a type warranted by service record characterization of service, which would have been a general discharge. You are advised that no reentry code is upgraded due merely to the passage of time or post service good conduct. In view of the above, 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