



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

[REDACTED]
Docket No: 3543-16
FEB 06 2017

[REDACTED]
Dear [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.

Although your application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider your application on its merits.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 22 November 2016. 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 reenlisted in the Navy on 27 September 2002. On 6 May 2006, you were counseled for your third Physical Readiness Test (PRT) failure in a four-year period. On 16 August 2006, you received nonjudicial punishment (NJP) for an unauthorized absence. On 15 November 2006, you were not recommended for advancement or retention in your periodic performance evaluation. On 16 November 2006, you again received NJP for three specifications of failure to obey an order, and for making a false official statement to your Commanding Officer.

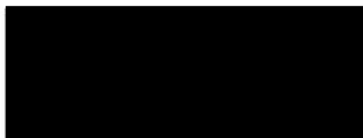
Subsequently, administrative discharge action was initiated by reason of misconduct due to commission of a serious offense and physical fitness failures. After you waived your procedural rights, your Commanding Officer recommended discharge of general (under honorable conditions) (GEN) by reason of misconduct. The discharge authority approved this recommendation, directed a GEN separation by reason of misconduct, and assigned an RE-4 (not recommended for reenlistment) reentry code. On 27 December 2006, you were discharged with a GEN characterization of service.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your post-service conduct, your good character letters, your desire to

change your RE-4 to a RE-3 reentry code, and your contention that your overall service warranted an RE-3 reentry code. The Board also considered your contention that your 16 November 2006 NJP charges were exaggerations and were based in part on the command needing to separate you for your PRT failures. However, the Board concluded these factors and your post-service record were not sufficient to warrant relief in your case because an RE-4 reentry code is required when an individual is not recommended for advancement or retention, and is separated for misconduct. Thus, your RE-4 code was authorized in accordance with established regulations and guidelines at the time of your discharge. Further, the Board noted that there is no evidence in your record or your application to substantiate your assertion that your NJP charges were exaggerations or used merely to separate you for your multiple PRT failures. Finally, once a reentry code is correctly assigned, it is not routinely changed or upgraded as a result of events that occur after separation or based merely on the passage of time. 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 within one year from the date of the Board's decision. New evidence is evidence not previously considered by the Board prior to making its decision in your case. 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,



Executive Director