



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

[REDACTED]
Docket No: 4262-16

AUG 15 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. The application was filed in a timely manner.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 23 May 2017. 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.

Regarding your request for a personal appearance, the Board determined that a personal appearance with or without counsel will not materially add to their understanding of the issues involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

You enlisted in the Navy on 22 September 2015. On 25 February 2016, you received nonjudicial punishment (NJP) for the following offenses: failure to obey a lawful order, making a false official statement, destroying military property, provoking speeches or gestures, and assault consummated by battery. Subsequently, you were notified of pending administrative separation action by reason of misconduct due to commission of a serious offense. After you waived your procedural rights, your Commanding Officer recommended a general discharge by reason of misconduct due to commission of a serious offense. The discharge authority approved and directed a general under honorable conditions discharge by reason of misconduct. On 11 April 2016, you were discharged and assigned an RE-4 reenlistment code.

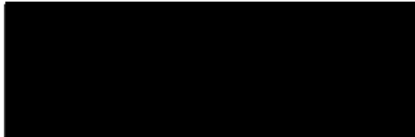
After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice. The Board carefully weighed all potentially mitigating factors, such as your desire to change your

reentry code and assertion that you did not understand what you were signing due to undue influence. However, the Board concluded these factors were not sufficient to warrant changing your reentry code given your misconduct as evidenced by NJP. Further, an RE-4 reentry code is authorized when a Sailor is discharged due to having misconduct in his/her record.

The Board also was not persuaded by your assertion that you did not understand what you were signing due to undue influence. The Board noted that the record shows that you were notified of and waived your procedural right to present your case to an administrative board (ADB). In doing so, you gave up your first and best opportunity to advocate for retention or a more favorable reenlistment code. The Board also noted that there is no evidence in your record, and you submitted none, to support your assertion. The Board also noted that many Sailors who are separated for misconduct receive an other than honorable characterization of discharge, whereas you received a general under honorable conditions. Accordingly, your application has been denied.

It is regretted that the circumstances of your case are such that favorable action cannot be taken at this time. You are entitled to have the Board reconsider its decision upon the submission of new and material evidence. New evidence is evidence 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,



Executive Director