



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

EGA  
Docket No: 1793-16

APR 8 2016

Dear

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 29 March 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.

In regard to your request for a personal appearance, be advised that Board regulations state personal appearances before the Board are not granted as a right, but only when the Board determines that such an appearance will serve some useful purpose. In your case, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of the record.

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 and began a period of active duty on 11 June 2007. You served without disciplinary incident until

6 March 2013, when you were convicted by a civilian court for driving under the influence (DUI) and sentenced to 96 hours of confinement, five years of probation, completion of an alcohol educational program, and \$2,625 in fines. As a result of the foregoing, you were not recommended for reenlistment. On 28 December 2013, you were separated at the completion of your required active service with an honorable characterization of service and issued an RE-4 reentry code. Upon review of the available records and evidence, the Board was unable to identify an error or injustice that would warrant an upgrade to your reenlistment code.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your desire to upgrade your reenlistment code and contention that were in entitled to involuntary separation pay. Nevertheless, the Board concluded these factors were not sufficient to warrant relief in your case, given that no error or injustices were identified in your records. Additionally, the Board noted that service members not retained on active duty due to misconduct or unsatisfactory performance are not entitled to involuntary separation pay. The Board concluded that your civilian conviction for DUI, which included jail time and five years of probation, was a sufficient reason for your commanding officer to assign you an RE-4 reenlistment code. 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 within one year from the date of the Board's decision. 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,

5 U.S.C. 552(b) (6)

SCOTT F. THOMPSON  
Executive Director