



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

[REDACTED]
Docket No: 5026-17
DEC 26 2017

[REDACTED]
Dear [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 28 September 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, relevant portions of your naval record, and applicable statutes, regulations, and policies.

You reenlisted in the Navy on 1 November 2002. It appears you served without disciplinary incident until 16 March 2007 when you received nonjudicial punishment (NJP) for an unauthorized absence (UA) from your place of duty and failure to obey an order. You received a second NJP on 3 August 2007 for a one-day UA.

Subsequently, administrative discharge action was initiated by reason of misconduct due to a pattern of misconduct. After you waived your procedural rights, your Commanding Officer recommended discharge under honorable conditions by reason of misconduct due to a pattern of misconduct. The discharge authority approved this recommendation and directed separation under honorable conditions by reason of misconduct due to a pattern of misconduct. On 17 August 2007, you were so discharged. At that time, you were assigned an RE-4 (not recommended for reenlistment) reentry 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, in its review of your application, carefully weighed all potentially mitigating factors and your desire to upgrade your reentry code so you may reenlist now that your children are older and you are deployable. The Board also considered your contention that you were dealing with a difficult divorce and custody battle. The Board concluded these factors were not sufficient to warrant changing your RE-4 reentry code given your misconduct. In the end, the Board

concluded that you received the correct reentry code. 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