



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

ELP
Docket No. 647-01
22 June 2001

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[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 for the Board for Correction of Navy Records, sitting in executive session, considered your application on 20 June 2001. 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.

The record reflects that you enlisted in the Navy on 6 July 1998 for four years at age 18. On 19 March 1999 you were discharged under other than honorable conditions by reason of misconduct due to commission of a serious offense, and were assigned an RE-4 reenlistment code. Neither the DD Form 214 which you provided nor the discharge processing documentation is filed in your record.

Regulations require the assignment of an RE-4 reenlistment code to an individual discharged by reason of misconduct. Absent evidence to the contrary, a presumption exists that action taken by the Navy to discharge you was appropriate and proper. Since you were treated no differently than others discharged under similar circumstances, the Board could find no error or injustice in your assigned reenlistment code. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

The Board did not consider the characterization of your discharge since you have not exhausted your administrative remedies by first applying to the Naval Discharge Review Board (NDRB). The NDRB is authorized to change both the reason for discharge and the characterization of discharge. However, it cannot change a reenlistment code. Enclosed is a DD Form 293 which may be used to apply to the NDRB.

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

Enclosure