



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

TRG
Docket No: 7572-00
22 June 2001

[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.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 22 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 Board found that you enlisted in the Navy on 27 July 1995 at age 18. You satisfactorily completed initial training and on 31 December 1995 you reported aboard the USS NASSAU (LHA 4). The available records show that you received nonjudicial punishment (NJP) on 27 September 1996 for underage drinking. Subsequently, you were advanced to SMSN (E-3).

The documentation to support your discharge processing is not filed in your service record and the circumstances which led to your discharge are unknown. The available records show that you were transferred from your ship and reported to a transient personnel unit on 26 March 1997 and remained there until 18 June 1997. On that date you were honorably discharged by reason of misconduct and were assigned an RE-4 reenlistment code.

The Board believes that you would not have been discharged for misconduct based on one offense of underage drinking. In this regard, the Board notes that after the NJP you were retained on board the USS NASSAU for about six months and were advanced to SMSN. This suggested to the Board that there must have been

another instance of misconduct either on board your ship or while you were at the TPU which led to the discharge processing.

Regulations require the assignment of an RE-4 reenlistment code when an individual is discharged by reason of misconduct. Since you have been treated no differently from others discharged for that reason, the Board could not find an error or injustice in the assignment of the RE-4 reenlistment code. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

You can request a change in the reason for your discharge by submitting the enclosed application, DD Form 293, to the Naval Discharge Review Board (NDRB). However, the NDRB will also have access only to the incomplete record that was available to this Board.

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