



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

CRS
Docket No: 1781-02
13 June 2002



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 12 June 2002. 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 reenlisted in the Navy on 11 June 1981 after four years of prior active service. The record reflects that on 1 June 1984 you received nonjudicial punishment for assault with a knife and carrying a dangerous weapon. However, on 6 August 1984 the separation authority denied the commanding officer's recommendation that you be separated due to the diagnosed personality disorder.

On 19 August 1984 the commanding officer recommended that you be separated with a general discharge by reason of misconduct due to commission of a serious offense. When informed of this recommendation, you elected to waive the right to present your case to an administrative discharge board. You were also advised that your discharge could be under other than honorable conditions. Subsequently, the discharge authority approved the recommendation for separation but directed discharge under other than honorable conditions. On 27 August 1984 you were so discharged. At that time, you were assigned a reenlistment code of RE-4.

On 28 June 1991 the Naval Discharge Review Board changed the characterization of your discharge to a general discharge.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth and immaturity. However, the Board concluded that these factors were not sufficient to warrant further recharacterization of your discharge, given the serious nature of your misconduct.

Applicable regulations require the assignment of an RE-4 reenlistment code when an individual is discharged due to misconduct. Since you have been treated no differently than others in your situation, the Board could not find an error or injustice in the assignment of your reenlistment code.

Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

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