



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

TJR
Docket No: 2377-02
4 October 2002

[REDACTED]

[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 1 October 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 the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Navy on 2 July 1997 at the age of 18. On 22 December 1997 you received nonjudicial punishment (NJP) for failure to obey a lawful order and were awarded an \$840 forfeiture of pay, restriction and extra duty for 45 days, and an oral reprimand.

Your record contains an administrative remarks entry dated 15 December 1998 which states that on 17 November 1998 you were convicted by civil authorities of driving under the influence of alcohol. However, the record does not contain the sentence rendered in this case.

On 7 August and again on 28 September 2000 you received NJP for two periods of absence from your appointed place of duty. Subsequently, you were processed for an administrative separation by reason of misconduct due to a pattern of misconduct and the discharge authority directed a general discharge by reason of misconduct. On 13 October 2000 you were so discharged.

The Board, in its review of your entire record and application,

carefully weighed all potentially mitigating factors, such as your youth and immaturity, post service conduct, and your contention that you would like to seek employment within the government. Nevertheless, the Board concluded these factors and contentions were not sufficient to warrant a change in the characterization of your service, narrative reason for separation, or reenlistment code because of your repetitive misconduct which resulted in three NJPs and a civil conviction. Further, individuals discharged by reason of misconduct must receive an RE-4 reenlistment code, Additionally, such individuals normally receive discharges under other than honorable conditions. Therefore, you were fortunate to receive a general discharge. 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