



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

TRG
Docket No: 7335-02
20 November 2002

[REDACTED]

[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 20 November 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.

You enlisted in the Navy on 12 August 1988 at age 19. On 11 October 1988 you received nonjudicial punishment for communicating a threat and the theft of two Navy Exchange money chits of a total value of \$45. The punishment imposed was a forfeitures of pay.

Based on the foregoing nonjudicial punishment, you were processed for an administrative discharge by reason of misconduct. In connection with this processing, you elected to waive the right to have your case heard by an administrative discharge board. On 27 October 1988 the discharge authority approved the recommendation of your commanding officer that you be discharged for misconduct with a discharge under other than honorable conditions, and you were so discharged on 6 December 1988. At that time, you were not recommended for reenlistment and were assigned an RE-4 reenlistment code.

You contend in your application, in effect, that you were falsely accused of the offenses. You desire a change in the reenlistment code so that you can enter the National Guard.

Regulations require the assignment of an RE-4 reenlistment code when an individual is discharged for misconduct. Since you have been treated no differently than 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.

If you desire a change in the characterization of your service, you should complete, the enclosed application, DD Form 293, and submit it to the Naval Discharge Review Board (NDRB). This does not mean that recharacterization is guaranteed but only that your request will be carefully and conscientiously considered.

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