



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

FC

Docket No: 02001-03  
8 August 2003

[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 30 July 2003. 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 February 1997 at age 18. On 18 October 1997 you received nonjudicial punishment (NJP) for failure to obey a lawful order by possessing alcoholic beverages while underage, and failure to report to a military training instructor. You were awarded forfeitures of pay, restriction, extra duty, and a reduction to paygrade E-1.

On 8 December 1997 you were notified of administrative separation processing and elected to retain all of your procedural rights. On 12 January 1998 an administrative discharge board (ADB) recommended separation with a characterization of service as honorable. On 28 January 1998, the commanding officer concurred with the ADB and recommended administrative separation by reason of misconduct. On 29 January 1998 the separation authority directed an honorable discharge and a reenlistment code of RE-4.

In its review of your case, the Board carefully weighed all potentially mitigating factors such as your youth and immaturity. However, the Board found that this factor was not sufficient to warrant changing your reenlistment code given the misconduct that resulted in the NJP and subsequent processing for administrative separation. In this regard, an individual separated for misconduct must receive an 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.

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