



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

TRG
Docket No: 2467-07
8 February 2008

[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 5 February 2008. 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 Naval Reserve on 22 September 1997 at age 19 and reported for active duty that same day. You then served about a year without incident. Subsequently, you were an unauthorized absentee on two occasions totaling about 164 days. During this period, you also missed your ship's movement on three occasions. A summary court-martial convened on 17 May 1999 and convicted you of the two periods of unauthorized absence and of missing your ship's movement on three occasions through design. The court sentenced you to 30 days of confinement at hard labor, forfeiture of \$217 pay and a reduction to pay grade E-1.

Based on the foregoing record, you were processed for an administrative discharge by reason of misconduct due to commission of a serious offense. In connection with this processing, you elected to waive the right to have your case heard by an administrative discharge board. After review, the discharge authority approved your discharge under other than honorable conditions and you were so discharged on 13 July 1999. At that time, you were not recommended for reenlistment and were assigned an RE-4 reenlistment code.

Regulations require the assignment of an RE-4 reenlistment code when an individual is discharged by reason of misconduct.

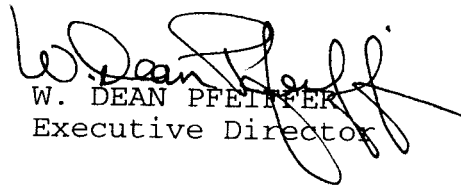
Since you have been treated no differently than others discharged for that reason, the Board could not find an error or injustice in the assignment of the RE-4 reenlistment code.

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

The Board is prohibited by law from reviewing a discharge or reason for discharge in cases such as yours unless they have first been reviewed by the Naval Discharge Reserve Board (NDRB) or 15 years has passed since the discharge was issued. Therefore, if you desire to pursue this matter, you should complete the enclosed application and send it to the NDRB.

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