



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

TRG
Docket No: 4287-07
25 June 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 17 June 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 Navy on 9 May 2002 at age 19. On 17 June 2004 you received nonjudicial punishment for drunken and reckless operation of a vehicle. In the performance evaluation for the period ending 17 June 2004 you were assigned an adverse mark of 1.0 in the category of military bearing/character and a marginal mark of 2.0 in another category. Further, you were not recommended for retention in the Navy.

Although the documentation to support discharge processing is not filed in the record, it is clear that you were processed for discharge by reason of misconduct. The performance evaluation for the period ending on the date of your discharge contains adverse marks and comments and you were not recommended for retention in the Navy. On 30 July 2004, you were issued a general discharge by reason of misconduct and were assigned an RE-4 reenlistment code.

As indicated in the foregoing, it appears that you were properly discharged by reason of misconduct. Regulations require that assignment of an RE-4 reenlistment code when an individual is discharged by reason of misconduct and when a performance evaluation contains a non-recommendation for retention. Since you have been treated no differently than others discharged for

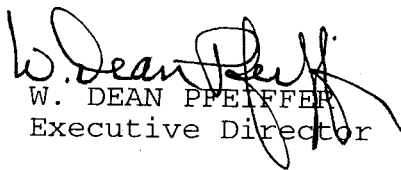
that reason with an adverse evaluation, the Board could not find an error or injustice in your case.

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 review of the characterization of service and reason for discharge, you may be eligible for a review of those issues by completing the enclosed application, DD Form 293, and submitting it to the Naval Discharge Review Board.

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