



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

TJR
Docket No: 920-08
10 December 2008

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

You enlisted in the Navy on 31 August 1999 at age 17 and served without disciplinary incident until 25 July 2000, when you received nonjudicial punishment (NJP) for larceny of a wallet and \$60. The punishment imposed was restriction and extra duty for 45 days, reduction in paygrade, and a \$1,006 forfeiture of pay.

On 9 July 2003 you were convicted by civil authorities of resisting arrest and being drunk in public. You were sentenced to a \$450 fine and confinement for 30 days. A portion of the confinement was suspended.

Your record contains a separation performance evaluation which states, in part, that you were not recommended for retention/ advancement/reenlistment because of your inability to adapt, flaunting authority, antisocial behavior, substandard performance in a team environment, and conviction by civil authorities.

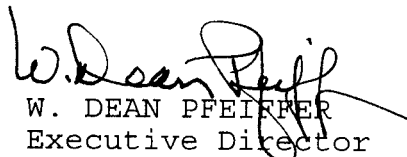
On 30 September 2003, while serving in paygrade E-3 and at the expiration of your enlistment, you were honorably discharged and assigned an RE-4 reenlistment code.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and desire to change your reenlistment code so that you may reenlist. It also considered your desire to use military benefits for a college education. Nevertheless, the Board concluded these factors were not sufficient to warrant a change in your reenlistment code because of your disciplinary record which resulted in NJP, conviction by civil authorities, and your substandard performance which resulted in a nonrecommendation for retention or reenlistment. 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