



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

CRS  
Docket No: 1400-08  
22 September 2008

[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 September 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.

The Board found that you enlisted in the Navy on 8 May 1970. You received five nonjudicial punishments for offenses that included unauthorized absences, wrongful possession of two identification cards, incapacitation for duty, driving while intoxicated, violation of a lawful general regulation, and breaking restriction.

On 2 November 1972 you submitted a written request for discharge for the good of the service in lieu of trial by court-martial for resisting arrest, assaulting a petty officer with a dangerous weapon and cutting a petty officer. Prior to submitting this request you conferred with a qualified military lawyer who advised you of your rights and warned of the probable adverse consequences of receiving an undesirable discharge. Your request was approved by the discharge authority, and you received an undesirable discharge and a reenlistment code of RE-4 on 17 November 1972.

Applicable regulations require the assignment of an RE-4 reenlistment code when an individual is discharged for the good of the service in lieu of trial by court-martial. Since you have been treated no differently than others in your situation, the

Board could not find an error or injustice in the assignment of your 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