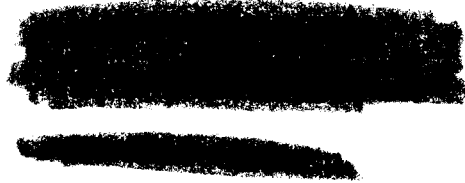




DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

CRS
Docket No: 2079-08
26 November 2008



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 25 November 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 24 August 1995. A general court-martial convened on 2 September 2005 and found you guilty of wrongful possession of 25 pounds of marijuana with intent to distribute. The court sentenced you to confinement at hard labor for nine months and a bad conduct discharge. The bad conduct discharge was executed on 16 February 2007, upon the completion of appellate review. You were assigned a reentry code of RE-4 to indicate that you were not eligible or recommended for reenlistment.

The Board carefully weighed all potentially mitigating factors present in your case, such as your family situation and overall record of service. The Board concluded that those factors were insufficient to warrant recharacterization of your service, given the serious nature of the offense which resulted in your bad conduct discharge.

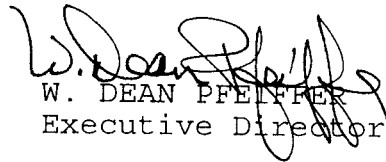
The Board noted that applicable regulations require the assignment of an RE-4 reentry code when a Sailor receives a punitive discharge. Since the RE-4 reentry code was properly assigned in your case and as you have been treated no differently than others in similar situations, there is no basis for changing

your reentry code.

In view of the foregoing, 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 PFELFFER
Executive Director