



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

CRS
Docket No: 10381-08
26 November 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 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 8 November 1999. You received five nonjudicial punishments for offenses that included seven periods of unauthorized absence, failure to obey a lawful order, making provoking speeches and gestures, assault, and missing movement.

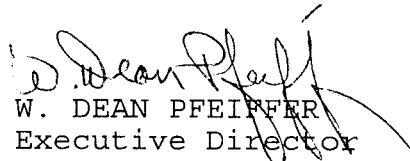
On 7 August 2002 your commanding officer recommended that you be separated from the Navy with a discharge under other than honorable conditions by reason of misconduct due to a pattern of misconduct. After being informed of the recommendation for separation, you waived the right to present your case to an administrative discharge board. After review by the discharge authority, the recommendation for separation was approved, and on 16 August 2002 you were separated with a discharge under other than honorable conditions, and assigned a reentry code of RE-4.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your contention that you were "young and paranoid" while in the Navy. The Board concluded that those factors were insufficient to warrant the recharacterization of your service.

Applicable regulations require the assignment of an RE-4 reentry code when a Sailor is discharged by reason of misconduct. 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 reentry 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