



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

SJN  
Docket No: 04343-09  
29 March 2010

[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 23 March 2010. 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.

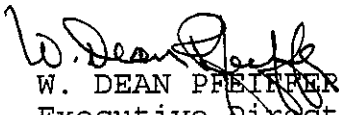
You enlisted in the Navy and began a period of active duty on 29 July 1986 at age 20. On 27 August 1987, you received nonjudicial punishment (NJP) for absence from your appointed place of duty. On 5 October 1987, a Physical Evaluation Board (PEB) was conducted, and it was determined that you had a joint derangement at the ankle and foot that existed prior to your entry into the service. Further, the PEB found you unfit to perform your duties and recommended that you be administratively separated from the Navy due to the foregoing diagnosis. Based on this evaluation, you were processed for separation and discharged under honorable conditions by reason of a physical disability that existed prior to entry. Subsequently, on 23 October 1987 you were discharged based on your overall record and conduct marks.

Characterization of service is based in part on conduct and proficiency averages computed from marks assigned on a periodic basis. Your conduct average was 2.6. At the time of your service, a conduct average of 3.0 was required for a fully honorable characterization of service.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth, record of service, and letter of recommendation from the Air Force. Nevertheless the Board found that these factors were not sufficient to warrant recharacterization of your discharge due to your NJP and failure to attain the required average in conduct. The Board further found no basis to change the reason for your separation because of the diagnosed physical problem that had existed at that time and the findings and recommendation of the PEB. Finally, the Board noted that you were assigned an RE-3P reenlistment code that may not prohibit reenlistment, but requires that a waiver be obtained from recruiting personnel who are responsible for determining whether you meet the requirements for 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