



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

SJN
Docket No: 07650-09
11 May 2010



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 7 May 2010. The names and votes of the members of the panel will be furnished upon request. 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.

The Board found that your record reflects you were convicted by special court-martial (SPCM) of carnal knowledge with a minor under the age of 16. You received a reduction in paygrade and were reprimanded. Administrative discharge action was initiated to process you for misconduct due to commission of a serious offense. However, the Bureau of Naval Personnel discovered that you could not be held involuntarily beyond your obligated service for administrative discharge action and therefore ordered that you be separated at the completion of your required service with an honorable discharge 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 RE-4 reenlistment code. Nevertheless, the Board concluded these factors were not sufficient to warrant such a change of your reenlistment code

given your SPCM conviction for very serious misconduct. In this regard, you were assigned the appropriate reenlistment code based on your circumstances. Accordingly, your application has been denied.

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,



ROBERT D. ZSALMAN
Acting Executive Director