



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

TJR
Docket No: 8858-09
16 June 2010

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, 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 15 June 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.

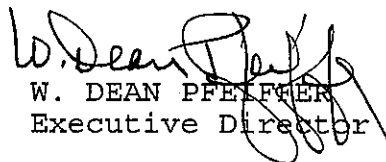
You enlisted in the Navy on 11 May 1979 at age 24. You served without disciplinary incident until 25 January 1982, when you received nonjudicial punishment (NJP) for failure to obey a lawful order. The punishment imposed was reduction to paygrade E-3 and a \$762 forfeiture of pay.

Subsequently, you were processed for an administrative separation by reason of convenience of the government. After waiving your procedural rights, your commanding officer recommended an honorable discharge by reason of convenience of the government due to your refusal to accept photographic assignments on board nuclear powered or combatant vessels, or in any combat environment. At that time you were not recommended for retention or reenlistment. The discharge authority approved the recommendation and directed your commanding officer to issue you an honorable discharge by reason of convenience of the government, and on 1 March 1982, you were so discharged 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 overall satisfactory service and desire to have your narrative reason for separation and reenlistment code changed. Nevertheless, the Board concluded these factors were not sufficient to warrant a change in your narrative reason for separation or reenlistment code because of your misconduct which resulted in NJP, refusal to accept assignments, and the nonrecommendation for retention, all of which were sufficient to support the assignment of an RE-4 reenlistment code. Finally, such a code is authorized by regulatory guidance and normally assigned to Sailors who are separated due to the convenience of the government and not recommended for retention and/or reenlistment. 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,


W. DEAN PFEIFFER
Executive Director