



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

SJN
Docket No: 10327-09
3 August 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 27 July 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.

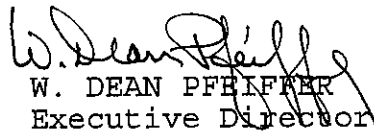
After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Navy and began a period of active duty on 20 November 2007. The Board found that your record reflects you received nonjudicial punishment (NJP) on 12 December 2007 for assault. You received a forfeiture of pay, restriction, and extra duty. Subsequently, administrative discharge action was initiated by reason of misconduct due to commission of a serious offense. After being informed of your procedural rights, it was directed that you be separated with an other than honorable discharge by reason of misconduct due to commission of a serious offense. On 8 January 2008, you were so discharged. At that time you were assigned an RE-4 reenlistment code.

The Board, in its review of your 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 in your reenlistment code given your NJP for a very serious offense. 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