



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

BJG  
Docket No: 11096-09  
29 July 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.

You are advised that since your other than honorable discharge is less than 15 years old, you may apply to the Naval Discharge Review Board for an upgrade. I have enclosed an application form for your convenience.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 28 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.

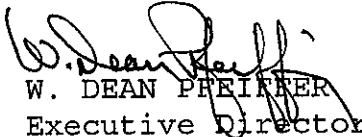
After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. The Board found that you entered active duty in the Navy on 5 April 2007. You received nonjudicial punishment (NJP) on three occasions for recruit to recruit contact, disrespect toward a superior commissioned officer, insubordinate conduct, communicating a threat, failure to obey

a lawful order, breach of the peace, and assault and battery. After your first NJP, you were counseled and warned that further misconduct could result in administrative separation. You also received two adverse performance evaluations. You were notified that you were going to be administratively separated due to misconduct with an other than honorable (OTH) discharge. You waived your procedural rights, including your right to an administrative discharge board (ADB). You received the OTH discharge on 23 April 2009, and were assigned an RE-4 reenlistment code.

In its review of your application, the Board carefully weighed all potentially mitigating factors, such as your youth and current desire to serve in the armed forces. However, the Board concluded that your reenlistment code should not be upgraded due to your substandard performance and misconduct. The Board noted that you committed further misconduct after being counseled and warned that more offenses could result in administrative separation. The Board found that you waived your right to an ADB, your best opportunity for retention or a better characterization of service. In view of the above, 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

Enclosure