BJG
Docket No: 11143-09
29 July 2010

Dear ▆▆▆▆▆▆▆▆▆▆

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 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 12 November 1997 and served honorably until
11 November 2001. You reenlisted on 15 January 2003. On 11
February 2003, you were granted a fraudulent enlistment waiver
for failure to disclose a driving under the influence of
alcohol conviction. You received nonjudicial punishment on two
occasions for unauthorized absence, insubordinate conduct,
disrespect, and assaulting a chief petty officer. After your
first NJP, you were counseled and warned that further

misconduct could result in administrative separation. On 15 June 2005, you received an adverse performance evaluation. On 31 August 2005, your security clearance was revoked. You were notified that your commanding officer was recommending you administrative separation for a pattern or misconduct. On 6 March 2006, you waived your procedural right to an administrative discharge board (ADB) in exchange for a general characterization of service. On 10 April 2006, you received a general discharge due to a pattern of misconduct, 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 prior honorable service. However, the Board concluded that your reenlistment code should not be changed, your pay grade of E-4 should not be reinstated, nor should your security clearance revocation documentation be removed because of your substandard performance and misconduct. The Board noted that you committed misconduct after being counseled and warned that further 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. You are advised that a Good Conduct Medal is only authorized for a three year period of service without disciplinary action. The Board found no basis to award you a Navy Achievement Medal. The Board concluded that you were fortunate to receive a general characterization of service, because Sailors who are separated for misconduct normally receive an other than honorable discharge. 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.

Since your general discharge is less than 15 years old, you may apply to the Naval Discharge Review Board for an upgrade. I have enclosed an application for your convenience.

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