



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

TJR
Docket No: 12297-09
2 September 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 1 September 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 16 April 2007 at age 19. While in recruit training, you received nonjudicial punishment (NJP) on three occasions for underage drinking of alcoholic beverages, dereliction in the performance of your duties, and absence from your appointed place of duty. During the period from 23 April to 10 May 2007, you were repeatedly counselled and warned regarding deficiencies in your performance and conduct, specifically, wrongful possession of letters with comments in violation of the Navy's zero tolerance policies, thinking you knew everything based on your Recruit Officer Training Corps (ROTC) experience, having serious problems following instructions and doing things your way, writing letters after TAPS, wrongful possession of medications, talking after being told to stop, and talking back to your section leader. As a result of your substandard performance, you were recommended for an administrative separation.

On 11 July 2007 you were notified of pending administrative separation by reason of misconduct due to commission of a serious offense. At that time you did not object to the separation and waived your right to submit a rebuttal statement to the aforementioned notification. Subsequently, the separation authority directed an uncharacterized entry level separation by reason of misconduct. On 24 July 2007 you were so separated 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 reenlistment code. Nevertheless, the Board concluded these factors were not sufficient to warrant a change of your reenlistment code because of your substandard performance, in such a short period of time, was sufficient to support both the uncharacterized entry level separation and assignment of an RE-4 reenlistment code. Finally, such a code is normally assigned to Sailors who are separated due to their failure to complete recruit training and processed for separation by reason of misconduct. 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