



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

SJN
Docket No: 12420-09
2 September 2010

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 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 31 August 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.

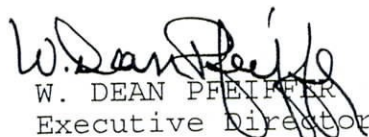
You enlisted in the Navy and began a period of active duty on 1 March 2000. The Board found that you were convicted by special court-martial (SPCM) of leaving your place of duty without authority, two specifications of assaulting a commissioned officer, dereliction of duty, and communicating a threat toward a commissioned officer. You were sentenced to confinement, a forfeiture of pay, and a reduction in paygrade. Subsequently, administrative separation action was initiated to separate you by reason of misconduct due to commission of a serious offense. Your case was forwarded and the separation authority directed that you receive an other than honorable (OTH) discharge. On 21 November 2001, you received an OTH discharge. At that time, you were assigned an RE-4 reenlistment code.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth, record of service, and desire to change your RE-4 reenlistment code. Nevertheless, the Board found that these factors were not sufficient to warrant changing your reenlistment code given your SPCM conviction for very serious offenses. Finally, an RE-4

reenlistment code must be assigned to all Sailors discharged due to misconduct. 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