



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

CRS
Docket No: 3559-10
1 November 2010

[REDACTED]

[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 9 September 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.

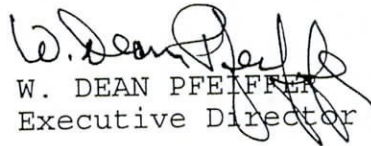
After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Navy Reserve on 20 June 1984. On 27 July 1990 you received nonjudicial punishment for falsely obtaining phone services. On 11 April 1991 you were turned over to civil authorities for charges of sexual assault, robbery, and kidnapping. There is no adjudication of these charges in your record nor have you provided any, although you contend that you were wrongly accused of these crimes. On 19 September 1991 you were honorably released from active duty by reason of expiration of active obligated service and assigned a RE-4 reentry code.

In its review of your application, the Board carefully considered your contention that you were innocent of the above-named offenses and you are now serving in the Army National Guard. In addition, the Board was not persuaded that the separation code shown on your DD Form 214 is erroneous. It found those factors insufficient to warrant corrective action in your case. 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