



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

REC  
Docket No: 05168-10  
17 February 2011



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 16 February 2011. 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 May 2001, at age 21. On 8 March 2001, during your in-processing paperwork, you documented the fact that you were not a conscientious objector. On 24 February 2003, you were accepted for the Seaman to Admiral (STA-21) program to obtain a commission. On 6 June 2006, you accepted the oath as a Civil Engineer Corps commissioned officer, to protect and defend the constitution of the United States. On 22 December 2008, you applied for classification as a "1-A-0 conscientious objector." On 5 March 2009, your commanding officer recommended that you be classified as a conscientious objector and authorized to remain in the service in a noncombatant status. On 8 May 2009, your request was denied. On 19 May 2009 the separation authority directed that administrative separation procedures be initiated. On 28 May 2009, you were advised of your rights, and elected to receive copies of documents to be forwarded to the separation authority, but waived all your other procedural rights. Subsequently, on 30 September 2009, you were discharged with an honorable characterization of service by reason of being a

conscientious objector. At that time, you were assigned a reentry code of RE-4.

In its review of your application, the Board considered all mitigating factors, your overall service. However, the Board found these factors were insufficient to warrant changing your narrative reason for separation, or reentry code due to your classification as a conscientious objector. Furthermore, the Board found it interesting that you believed that you were a conscientious objector during college, yet still accepted your commission as a naval officer. The Board noted that applicable regulations authorize the assignment of an RE-4 reentry code to individuals who are separated due to being conscientious objectors. The Board thus concluded that there is no error or injustice in your reason for separation or RE-4 reentry code. 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