



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

TAL
Docket No: 7444-10
8 April 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 6 April 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 18 September 2001 at age 19. On 13 May 2003, you received nonjudicial punishment (NJP) for dereliction in the performance of duty and failure to go to your appointed place of duty. On 3 December 2003, you received NJP for unauthorized absence (UA) from your unit for a period of 30 days and missing ship's movement. You were notified of pending administrative discharge processing with a general discharge due to misconduct. You waived all of your procedural rights. On 21 January 2004, you received the general discharge for misconduct. At that time you were assigned an RE-4 reentry code, which means that you were neither recommended nor eligible for reenlistment.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth, overall record of service and desire to continue your service career. Nevertheless, the Board found that these factors were not sufficient to warrant changing your reentry code given the seriousness of your misconduct that resulted in two NJPs and a 30 day period of UA. Finally, an RE-4 reentry code must be assigned

to all Sailors discharged due to misconduct. The Board believed you were fortunate to receive a general discharge since Sailors who are separated for misconduct often receive other than honorable characterizations of service. 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