



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

BJG
Docket No: 7529-10
31 March 2011

[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 29 March 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 that the evidence submitted was insufficient to establish the existence of probable material error or injustice.


You entered active duty in the Navy on 9 September 1986. You received nonjudicial punishment and were convicted by civil authorities. Your offenses were driving under the influence of alcohol (two specifications). You were notified that your commanding officer was recommending you for administrative separation due to misconduct with an other than honorable characterization of service. You elected to have your case heard by an administrative discharge board (ADB), which found that you committed misconduct and recommended that you receive

a general discharge. Your commanding officer concurred with the ADB's finding and recommendation, and on 6 February 1995, you received a general discharge due to misconduct, and were assigned an RE-4 (not recommended for reenlistment) reentry code.

In its review of your application, the Board carefully weighed all potentially mitigating factors, such as your youth and current desire to serve in the armed forces. However, the Board concluded that you were correctly assigned the RE-4 due to your misconduct, and non-recommendation for retention. The Board believed that you were fortunate to receive a general characterization of service, since Sailors who are separated for misconduct normally receive an other than honorable discharge. In view of the above, 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