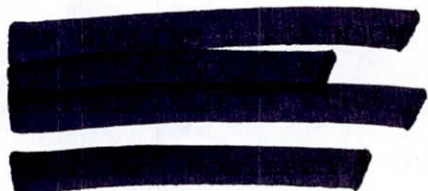




DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

SJN
Docket No: 09551-10
20 January 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 19 January 2011. The names and votes of the members of the panel will be furnished upon request. 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 8 October 1996. The Board found that on 20 September 1999, you received nonjudicial punishment (NJP) for dereliction of duty by giving syringes and needles to a patient for the purpose of using steroids, giving medical advice, and larceny. You received a forfeiture of pay, a reduction in paygrade, and extra duty. You remained on active duty until you were honorably released at the completion of your obligated service on 7 October 2004. At that time you were assigned an RE-4 reentry code.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth, record of service, and desire to change your reentry code. Nevertheless, the Board concluded these factors were not sufficient to warrant such a change of your RE-4 reentry code given your NJP for serious offenses, and the fact that you were very fortunate to be have been given the opportunity to remain on

active duty to be able to earn an honorable characterization of service. In this regard, you were assigned the appropriate reentry code based on your circumstances and overall record. Accordingly, your application has been denied.

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