



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

BAN  
Docket No: 11122-10  
25 July 2011

[REDACTED]

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10, 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 14 July 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 entered active duty in the Navy on 13 November 2000, and served without incident until 13 April 2001, when you received a page 13 counseling for failure to obey a lawful order and unauthorized absence (UA). Shortly thereafter, on 23 July 2001, you received nonjudicial punishment for UA, three specifications of failure to obey a lawful order, two specifications of falsifying an official statement; and assault. Therefore, you were recommended for separation with an other than honorable (OTH) discharge due to misconduct. You waived your rights to consult with counsel and request an administrative discharge board (ADB). The separation authority approved the recommendation and on 3 August 2001, you were separated with an OTH discharge and 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, and statement in your application. Nevertheless, the Board concluded these factors were not sufficient to warrant the following: 1) a recharacterization of your discharge, 2) a change to your separation code, 3) a change to your RE-4 reentry code, and 4) your reason for separation, due to your misconduct. 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