



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

SJN
Docket No: 11372-10
28 July 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 26 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.

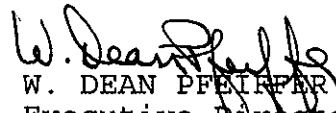
After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You reenlisted in the Navy on 5 December 2002, after more than 15 years of honorable service. The Board found that on 5 January 2005, you were convicted by civil authorities of making false statements about the purchase of firearms. You were sentenced to five months in the U.S. Bureau of Prisons, with an additional five months of home detention while on supervised release, and three years of supervised release. Subsequently, administrative discharge action was initiated by reason of misconduct due to commission of a serious offense and a civil conviction. You were notified of this pending administrative separation action, and elected to consult counsel and have your case heard by an administrative discharge board (ADB). On 14 February 2005, your ADB found you had committed misconduct, and recommended an other than honorable (OTH) discharge. On 13 April 2005, your case was forwarded and the discharge authority concurred with the ADB's finding and recommendation, and directed that you be separated under OTH conditions by reason of misconduct due to commission of a serious offense. You were so discharged on 28 April 2005. At that time, you were assigned an RE-4 reentry code.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your prior honorable service, and overall record of service. Nevertheless, the Board found that these factors were not sufficient to warrant any change in your discharge given your civil conviction and ensuing incarceration for very serious offenses. Finally, an RE-4 reentry code must be assigned to all Sailors discharged due to 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