



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
701 S. COURTHOUSE RD SUITE 1001  
ARLINGTON VA 22204-2490

BAN  
Docket No: 05027-11  
21 February 2012

[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 15 February 2012. 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.

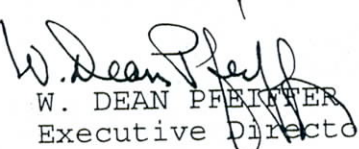
You had prior honorable service in the Navy from 1979 to 1983. You reenlisted in the Navy on 15 May 1983, and served without disciplinary incident until 29 May 1986, when you received nonjudicial punishment (NJP). Shortly thereafter, on 20 April 1989, you received another NJP for dereliction of duty. In your final evaluation, you were not recommended for reenlistment by your commanding officer. Therefore, on 14 May 1989, at the end of your active obligated service while serving in pay grade E-6, you were separated with an honorable 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 prior honorable service, claim that nothing in your record warrants an RE-4 reentry code, and that you were protected under the "Whistleblower Act". However, you submitted no documentation

that substantiates your claims, and there is no such evidence in your record. Nevertheless, the Board concluded these factors were not sufficient to warrant a change to your reentry code due to your misconduct and non-recommendation for retention. 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