



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

SJN  
Docket No: 05779-11  
22 March 2012

[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 20 March 2012. 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.

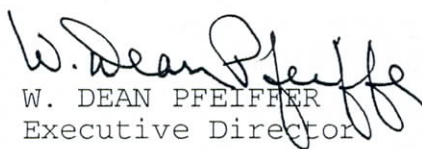
You enlisted in the Navy and began a period of active duty on 23 August 2004. The Board found that on 13 December 2005, you received nonjudicial punishment (NJP) for unauthorized absence. You received 30 days of correctional custody, a reduction in paygrade and a forfeiture of pay. Although your record is incomplete, your record reflects you received a general discharge by reason of alcohol rehabilitation failure on 5 July 2006. 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 record of service, character letter, desire to change your RE-4 reentry code, and to have your inactive time in the Delayed Entry Program (DEP) included as time served in the Navy. Nevertheless, the Board concluded these factors were not sufficient to warrant a change of your RE-4 reentry code given

your NJP and failure to adhere to your command's alcohol rehabilitation program. In this regard, you were assigned the appropriate reentry code based on your circumstances. Concerning your time in the DEP, the Board concluded you had not entered recruit training and were not performing on active duty as an enlisted Sailor in accordance with Navy regulations during that period. In other words, DEP time is not considered to be active duty service. 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