



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

SJN

Docket No: 2692-14

23 December 2014

[REDACTED]

Dear [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 9 December 2014. 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.

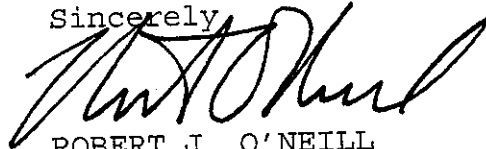
After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Navy and began a period of active duty on 12 May 2009. Based on the information currently contained in your record, you received three nonjudicial punishments (NJPs) and were counseled on more than one occasion regarding your conduct and behavior. You were warned that further misconduct could result in administrative discharge action after your first NJP. Subsequently, administrative discharge action was initiated by reason of misconduct due to a pattern of misconduct. You elected to consult with legal counsel and subsequently requested an administrative discharge board (ADB). The ADB found that you had committed misconduct due to a pattern of misconduct, and recommended you receive a general discharge. The separation authority concurred and directed a general discharge by reason of misconduct. You were so discharged on 16 March 2012.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your record of service, desire to change your RE-4 reentry code, and post service accomplishments regarding your treatment for alcoholism. Nevertheless, the Board concluded these factors were not sufficient to warrant changing your reentry code given your three NJPs for disobedience. In this regard, an RE-4 reentry code is required when a Sailor is discharged due to misconduct and is not recommended for retention. Finally, the Board also noted that you were fortunate to receive a general discharge since a discharge under other than honorable conditions is often directed when an individual is discharged for misconduct. 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 within one year from the date of the Board's decision. New evidence is evidence not previously considered by the Board prior to making its decision in your case. 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,



ROBERT J. O'NEILL
Executive Director