



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

TRG

Docket No: 4038-99

29 September 1999

[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 28 September 1999. 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 that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Navy on 27 August 1997 at age 18. The record shows that you received nonjudicial punishment on two occasions. Your offenses were several instances of failure to go to your appointed place of duty, two instances of assault, use of provoking words, communicating a threat, destruction of government property, and multiple instances of disobedience and disrespect.

Based on the foregoing disciplinary record, you were processed for an administrative discharge due to a pattern of misconduct. Apparently, you elected to waive all of your procedural rights. On 20 August 1998 the discharge authority directed a general discharge by reason of misconduct. You were so discharged on 28 August 1998. At that time you were not recommended for reenlistment and were assigned an RE-4 reenlistment code.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth, desire to serve in the Navy and your contention that you could have succeeded in the Navy if you had been given professional help for your problems. The Board found that these factors and contentions were not sufficient to warrant recharacterization of

the general discharge given your repeated and serious misconduct. The Board believed that you were fortunate not to have been processed for discharge under other than honorable conditions, and concluded that the general discharge by reason of misconduct was proper as issued and no change is warranted.

Regulations require the assignment of an RE-4 reenlistment code when an individual is discharged by reason of misconduct. Since you have been treated no differently than others discharged for that reason, the Board could not find an error or injustice in the assignment of the RE-4 reenlistment code.

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